

**13th & 14th Term COAC Recommendations
CBP Status as of September 2015**

| Cum.# | Rec. # | FY | Date | Sub-committee | COAC Recommendation | FA CA | OTR Status | Comments |
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| 13th Term (2013 – 2015) Export Subcommittee | | | | | | | | |
| 187 | 13003 | 13 | 08/07/13 | EX | <p>We recommend that CBP, in conjunction with COAC, develop a combined Government approach to risk, process, guidance and correction by establishing a One US Government for Exports Work Group.</p> <p>We recommend the work group tasking result in the delivery of a One US Government for Exports, using the One U.S. Government Master Principles document for Imports as a model. The Master Principles document is critical to harmonize the voice of trade and provide guidance to the US Government on the desired balance point when considering the criteria of outbound speed and cost, the necessary mitigation of US risk, and foreign inbound speed and cost.</p> <p>We further recommend that at a minimum this work group consider the following inputs prior to creating the Master Principles for Exports: scope, constraints, and timing from CBP, current state jurisdiction and current risks, mutual recognition, the President’s National Export Initiative (ITDS for Exports and Export Control Reform status), agency alignment in export enforcement, and the particular opportunities for improvement and solutions provided by the EMWG and related USG feedback. Finally, we recommend that group membership include CBP, BIS, Commerce, DDTC, and trade representation from PGA FACA appointees, exporters, carriers, forwarders and brokers.</p> | PI | | <p>Status as of September 2015:</p> <p>COAC established the One US Government for Exports Work Group, and the work group created the first draft of the Master Principles document for Exports (finalized in march 2014). During the February 2014 meeting, COAC recommended that CBP use the Master Principles Export document and Export Mapping Education document in developing its export strategy.</p> <p>CBP has committed to reporting back to the COAC on a quarterly basis regarding the progress being made to implement programs that align with the principles from the One US Government Master Principles Document. This effort is on-going and will take some time to fully implement given other Government agencies are part of the equation and may have differing timetables.</p> <p>A sub-work group for Licensing commodities was formed with group members from Census, BIS, and DDTC. It completed its tasking in February of 2015.</p> |

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| 188 | 13004 | 13 | 08/07/13 | EX | <p>We recommend that CBP, in conjunction with COAC, create an Export Process Working Group (EPWG) to focus on prioritizing acknowledged opportunities for improvement, review the C-TPAT for exporter criteria in close alignment with the Trusted Trader COAC Sub-committee, and to focus on designing a future state export process that will serve to implement the developed One USG master principles for exports.</p> <p>Engaging government and trade expertise to focus directly on the process, prioritizing short-term and long-term, will begin to deliver a streamlined future process that considers business, trust, and risk.</p> <p>We further recommend that at a minimum this work group consider the following inputs prior to delivering on the tasking: scope, constraints, and timing from CBP Mapping Work Group Education Package, Imports/Exports One USG Master Principles Document, AES status, the President’s National Export Initiative (ITDS for Exports and Export Control Reform status), C-TPAT draft criteria, Mutual Recognition Requirements for Exports, Authorized Economic Operator (and other export component programs), ACAS feasibility study, best practices in Government to Government (US to Canada – sharing of import information for export purposes). Finally, we recommend this group include members of CBP, BIS, Commerce, DDTTC, and trade representation from PGA FACA appointees, exporters, carriers, forwarders and brokers. We also believe that at the proper point, CBP should consider engaging the World Customs Organization (WCO) members from foreign governments to continue global facilitation efforts.</p> | PI | | <p>Status as of September 2015:</p> <p>COAC established the Export Process Working Group in February 2014, and it has stood up sub-work groups on Licensing Commodities, Option 4, and Manifests. The groups are working through transitioning the Export process to the Single Window.</p> <p>The Licensing group completed its tasking in February of 2015.</p> |
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| 189 | 13005 | 13 | 08/07/13 | EX | <p>We recommend that CBP, in conjunction with COAC, create an Export Visibility, Amendments, and Controls Work Group to focus on delivering specific recommendations to promote supply chain visibility, USG transparency, and compliance.</p> <p>We envision these recommendations being realized via an automated single “system” applying best practices for internal assessment and controls monitoring. Working together to resolve and develop requirements for visibility, amendments, and controls is integral to trade efficiency and compliance and will further implement desired elements associated with a One USG Export Master Principles vision.</p> <p>We further recommend that at a minimum this work group consider the following inputs prior to delivering on the tasking: scope, constraints, and timing from CBP, Mapping Work Group Education Package and Export Survey Results, current amendment processes, agency alignment in export enforcement, best practices in export control monitoring, and the One US Government Master Principles for Exports document. Finally, we recommend this group include members of CBP, BIS, Commerce, DDTC, and trade representation from PGA FACA appointees, exporters, carriers, forwarders and brokers.</p> | PI | <p>Status as of September 2015:</p> <p>CBP fully supports the recommendation to create an Export Visibility, Amendments and Controls Work Group. CBP is committed to looking into providing aggregate statistics back to the trade where the systems functionality, security requirements, PGA regulations and Trade Secrets Act allow that data to be gathered and shared.</p> |
| 190 | 13006 | 13 | 08/07/13 | EX | <p>We recommend that CBP engage with the trade to share the export education packages with CBP export and outbound roles in addition to other groups and forums.</p> <p>We encourage CBP to develop and share a list of enhancements as they are implemented as a result of this exercise. We further recommend CBP continue their dialogue with Census, BIS, and DDTC on the opportunities for improvement and continue to work with the trade on solutions.</p> | PI | <p>Status as of September 2015:</p> <p>CBP remains engaged with the trade community and Participating Government Agencies (PGAs) regarding enhancements made to the Automated Export System (AES) that was reengineered into a modern Automated Commercial (ACE) system platform. AES was delivered to the ACE platform in April 2014. As CBP analyzes the export education package, the agency will increase information sharing with the public and private sector where the system’s functionality, security requirements, PGA regulations and Trade Secrets Act allow that data to be gathered and shared.</p> |

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| 215 | 13031 | 14 | 02/20/14 | EX | The COAC recommends that CBP use Master Principles for a U.S. Government at the Border Cooperation for Exports as well as the Export Mapping in developing their U.S. Export Strategy. We further encourage Customs and Border Protection to lead the U.S. Government socialization of the foundational principles that the COAC believes are required to position the U.S. government to efficiently manage strategic cross border issues in a manner that reduces the cost of doing business. | FI | | Status as of September 2015: The Master Principles for Exports & Export Mapping package is being used in Export SC work groups and disseminated where appropriate. |
| 216 | 13032 | 14 | 02/20/14 | EX | The COAC recommends the Customs and Border Protection's Export Strategy is shared with COAC for comment prior to finalization. | PI | | Status as of September 2015: CBP is in the process of obtaining input from the COAC Exports Subcommittee's workgroups, and it will consider this information when finalizing its export strategy. |
| 262 | 13078 | 15 | 10/07/14 | EX | The success of the air manifest progressive filing model is dependent upon the empowerment of transport intermediaries to protect their operational reliability by submitting their own data into the export system. Similar to the ACAS pilot, it is therefore critical that freight forwarders be included in the air export manifest pilot. We recommend that the air automated export manifest pilot specifically include freight forwarders as participants to transmit house air waybill level data to the export manifest system on behalf of the air carrier. | FI | | Status as of September 2015: OFO announced an air export manifest pilot in July of 2015 that included 9 participants that were comprised of both air carriers and freight forwarders; selections included 4 air carriers, 1 express carrier, and 4 freight forwarders. |
| 277 | 13093 | 15 | 02/11/15 | EX | COAC recommends that CBP engage with Border Interagency Executive Council (BIEC) in order to deliberate on the development of an interagency information tool comparable to the informed compliance program to help develop the competency of those in the trade with export equities. | UC | Under Consideration | Status as of September 2015: This would be additional functionality not built or planned. It needs PGA input. |
| 278 | 13094 | 15 | 02/11/15 | EX | COAC recommends that CBP engage with the Bureau of Industry and Security (BIS) upon their initiation of the project to review European Union practice of cross-referencing their control list and 6-digit harmonized tariff number and provide an update to the BIEC PECSEA/COAC on findings and the review process. COAC further recommends that CBP aligns the initiative within the BIEC, and advocate with BIS to engage the Directorate of Defense Trade Controls (DDTC) as a stakeholder in the review process. | UC | Under Consideration | |

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| 279 | 13095 | 15 | 02/11/15 | EX | COAC recommends that CBP Headquarters lead a port standardization effort targeted on licensed exports. The effort shall incorporate input from all stakeholders including the trade, AES automation, CBP Ports, DDTC, BIS, and other relevant permitting and licensing agencies. The undertaking should leverage the BIEC as a steering committee and to resolve cross-agency policy matters. The outcome shall be updated policies and guidance on licensed shipments and a status briefing to COAC. | UC | Under Consideration | Status as of September 2015: Automation is key to this type of standardization. |
| 280 | 13096 | 15 | 02/11/15 | EX | COAC recommends that CBP automate the presentation of all licenses and permits via the Single Window into AES/ACE, to accommodate inbound and outbound as appropriate. Capabilities should exist to link an import to an export or an export to an import, and the design should ensure flexibility of entity relationship and trade reporting. Evaluation of a short term solution to utilize CBP's Document Imaging System should be considered if license automation implementation is extended beyond 1 year. Additionally, given the availability of licensing data via the Single Window, and given the PECSEA recommendation regarding incorporation of licensing points of contact, COAC recommends CBP engage the Trade Support Network for a licensing point of contact design with the goal of resolving holds expeditiously. | UC | Under Consideration | Status as of September 2015: ABO is working on an electronic solution targeted for delivery in Fall 2015. |
| N/A | N/A | 15 | 02/11/15 | EX | COAC recommends CBP encourage BIS to complete the final rule regarding International Import Certificates or Delivery Verifications, (proposed rule 79 FR 19552) in order to realize process efficiencies for both CBP and the Trade. With the concept of promoting global standardization of import certificates, we recommend that CBP share this information with other governments. Additionally, we recommend CBP engage BIS and the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) to automate remaining forms. | NA | Statement not counted-- | CBP's position is that this is a statement not a recommendation, per the discussion during the COAC meeting. |

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| 281 | 13097 | 15 | 02/11/15 | EX | The COAC recommends that CBP brief the BIEC on the new manifest, export automation tools, targeting capabilities, and C-TPAT Exporter Entity in order to prompt a dialogue designed to prevent listing freight forwarders as intermediary consignees on the license at time of license submission. CBP shall engage the trade in the education and dialogue to in order to design a solution that meets all stakeholders' key concerns. The resulting new process shall consider Government concerns, industry forwarding practices, leverage the future automation design, and consider benefits of government to government interfaces. | UC -- | Under Consideration | |
| 282 | 13098 | 15 | 02/11/15 | EX | COAC recommends that CBP compare C-TPAT and C-TPAT Export Entity Criteria with the Department of Defense National Industrial Security Program Operating Manual (NISPOM) and International Traffic and Arms Regulations (ITAR), and reduce redundant reporting and redundant reviews for companies participating in good standing. Additional comparisons should be made to Federal Acquisition Regulations, Defense Acquisition Regulations System (FAR and DFARS) with the same goal. | UC | Under Consideration | |
| 283 | 13099 | 15 | 02/11/15 | EX | COAC recommends that CBP communicate policy changes to the Trade via the Cargo System Messaging Service (CSMS) as well as via other government agency outreach, e.g. Hand Carried DSP-73 Material – Endorsement Permitted at the 1 st Port of Departure. | UC | Under Consideration | Status as of September 2015: CBP has agreed that the CSMS can be used as a communication mechanism for policy changes impacting ACE. A specific subscription group for “Export” exists in the CSMS. |
| 284 | 13100 | 15 | 02/11/15 | EX | COAC recommends that CBP engage the BIEC in a discussion to consider aligning the U.S. inbound, outbound, and license valuation regulations in accordance with the World Trade Organization Customs Valuation Agreement. | UC | Under Consideration | |
| 285 | 13101 | 15 | 02/11/15 | EX | COAC recommends that CBP and the BIEC discuss a process enhancement for the Export Enforcement Coordination Center (E2C2) to prepare a monthly “categorization of risk” export report that considers inputs from all agencies related to export and can be used by CBP as a input into targeting adjustments. The report should quantify the risk, including notation of items removed from the risk register. | UC | Under Consideration | |
| 286 | 13102 | 15 | 02/11/15 | EX | COAC recommends that CBP initiate cross-agency operations review meetings on a monthly basis to discuss agency referral turn-around times (requires creation of cycle time and volume metrics) and to receive feedback on effectiveness of field operations. | UC - | Under Consideration | |

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| 287 | 13103 | 15 | 02/11/15 | EX | COAC recommends that CBP staff the Exodus Command Center to allow for trade inquiries to facilitate compliant exports, in addition to the already scoped work for CBP field operations referrals. CBP should consider directly staffing the Exodus Command Center with Licensing and Permitting Agencies on a regular basis, provided the resources have a delegation of authority to act on outbound questions without referral via E2C2, in order to benefit the Trade and reduce freight stops. | UC | Under Consideration | |
| 288 | 13104 | 15 | 02/11/15 | EX | COAC recommends that CBP collaborate with the Census Bureau and provide details on the new AES design allowing separate filers for commodity data and transportation/manifest data with the intent of ensuring report data availability to the Trade commodity filer. Additionally, CBP should collaborate with Census to deliver additional solutions that would replace the “routed transaction” language with language and processes that resonate with already provided business process and business data. Regulatory changes may be required to reduce the burden to trade while still meeting agency concerns. | UC | Under Consideration | |
| 289 | 13105 | 15 | 02/11/15 | EX | COAC recommends that CBP engage the Trade to provide inputs into CBP’s Licensing Operating Manual. Prioritized areas of review should be focused on the areas of opportunity. | UC - | Under Consideration | |
| 290 | 13106 | 15 | 02/11/15 | EX | COAC recommends that CBP automate export data by the creation of the USPPI accounts in ACE and allowing data visibility in ACE for a 5 year time period. | FI | Fully Implemented | Status as of September 2015: Delivered in ACE in June 2015. |
| 291 | 13107 | 15 | 02/11/15 | EX | COAC recommends that CBP engage the BIEC in a dialogue regarding non-technical errors with the request to align agency approaches to penalty assessment. The Trade shall develop a list of examples of non-technical errors to facilitate dialogue. | UC | Under Consideration | Status as of September 2015: CBP agrees to introduce this into the Risk Management/Process Coordination Committee of the BIEC. |
| 292 | 13108 | 15 | 02/11/15 | EX | COAC recommends that CBP create a new work group to address the post export filing process. This same work group shall address the trade inputs required to address area of opportunity #25 (correction for non-technical errors without penalty). | PI | PI | Status as of September 2015: The COAC Exports Subcommittee has a new workgroup for Option 4 Filing, which will deal with some of the post export filing processes in regard to Option 4 Filers. |
| 293 | 13109 | 15 | 02/11/15 | EX | COAC recommends that CBP reviews the possibility of automating the filing and release of hand-carried licensed hardware by leveraging a CBP Mobile Group application that may be designed for traveler declarations of hand guns. | UC | Under Consideration | |

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| 294 | 13110 | 15 | 02/11/15 | EX | COAC recommends that CBP review their export staffing model with COAC in order to collaborate on excellence, challenges, opportunities, and solutions. | UC | Under Consideration | . |
| 349 | 14019 | 15 | 07/29/15 | EX | 1) With regard to the FRN for an ACE Export Manifest for Air Cargo Test. In developing guidelines and SOPs for the practical conduct of the air automated export pilot, CBP should ensure that the concerns of the trade as set forth in commentary by COAC are addressed so that the pilot will enable a robust test of the progressive filing model that has been put forth by the COAC Export Subcommittee. In particular, achievable timelines for data submission for air shipments should be established, mandatory data elements should be limited to those currently required on the 7509 form, with pre-departure submission limited to those necessary for risk assessment, and procedures developed for managing holds and shipment interception with minimal disruption to air cargo operations. | UC | Under consideration | <p>Status as of September 2015:</p> <p>CBP published the FRN and identified an initial pilot group of volunteers. CBP is working to implement and begin process of evaluating data elements. Initial elements and timeframes were established from the inward manifest data and timeframes.</p> <p>The COAC Manifest workgroup has reviewed the Air FRN.</p> |
| 350 | 14020 | 15 | 07/29/15 | EX | 2) With regard to the publication of the FRNs for ACE export manifest tests for ocean, rail, and truck. The determination of 1) proper timelines for electronic data submission and 2) the set of data elements that must be transmitted at a given time are fundamental to developing an automated export regime that is both effective and minimally deleterious to export operations and the flow of legitimate trade. CBP should ensure that mandatory pre-departure data elements contained within the FRNs announcing pilots for the ocean, rail and truck modes are limited to those found on the current 7509 paper form that are required for pre-departure risk assessment. CBP should also ensure that submission timelines have been thoroughly vetted with the trade, and that trade concerns with regard to feasibility and negative impact have been mitigated to the full extent possible | UC | Under consideration | <p>Status as of September 2015:</p> <p>CBP published the FRN and solicited an initial pilot group of volunteers. Initial elements and timeframes were established from the inward manifest data and timeframes. Once selections are made, CBP will begin implementation and evaluation of data elements and timeframes.</p> <p>The COAC Manifest workgroup has started to review the Ocean FRN.</p> |

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| 351 | 14021 | 15 | 07/29/15 | Exports | 3) With regard to the process for drafting, approving and publishing FRNs and NPRMs. The transformation that CBP is undertaking to move export processing from paper to electronic, and from individual silos to a one-government at the border, single-window approach, requires a paradigm shift with regard to how export reporting can and should work and significant associated policy and regulatory change. Incremental, piecemeal approaches to the regulatory reform process and excessively long delivery timelines for associated FRNs and NPRMs are incompatible with what must be accomplished over the next 2-4 years. To better facilitate CBP's export trade transformation strategy, the OR&R legal team should become an integral participant in the substantive discussions taking place in the work groups of the COAC Export Subcommittee, with the nature and extent of the desired legal participation to be determined jointly by the trade and CBP within each work group. Further, CBP should apply more command attention to ensure the process for publishing critical FRNs and NPRMs is streamlined and accelerated. | FI | FI | <p>Status as of September 2015:</p> <p>The Manifest workgroup has added 2 OR&R lawyers (Each with a backup) for a total of 4 lawyers who will participate in the workgroup. A review of the Progressive Filing Model with the lawyers, OFO, and the workgroup leads took place on 09/10/2015.</p> |
| 352 | 14022 | 15 | 07/29/15 | Exports | 4) As CBP moves towards implementation of automated e-manifest and the ability to accommodate Census Option 4 and export filing requirements, COAC recommends that CBP collaborate with Census to ensure that any policy and process changes do not unjustifiably impede legitimate exports. To this end, CBP in conjunction with Census, should begin by clearly identifying the subset of existing export data from the cargo manifest needed for pre-departure risk assessment. Once those parameters are defined, CBP and Census should consult closely and collaboratively with Option 4 filers and their partner carriers to determine whether they can make all or part of those data elements available. If some, or all, of the data cannot be provided in line with above, CBP should investigate alternatives (e.g., usage of account-based management and predictive data) that address legitimate CBP security screening and Census regulatory control needs, without negatively impacting exports and their significant contribution to the U.S. economy. | UC | Under Consideration | |

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| 13th Term (2013 – 2015) | | | | | | | | |
| Trade Enforcement and Revenue Collection Subcommittee | | | | | | | | |
| 218 | 13034 | 14 | 02/20/14 | TERC-IPR | The COAC's IPR Working Group, after extensive exploration, discussion and outreach to the trade, determined that the Distribution Chain Management Initiative could prove costly and burdensome to the trade, especially to legitimate brand owners and importers of branded merchandise until industry more widely adopts protocols that allow for the transmission of alphanumeric identifiers or DCM data. As a result, the COAC recommends that CBP table the Distribution Chain Management initiative until such a time as the trade advises that industry-wide supply chain practices make the concept more viable. | FI | | <p>Status as of September 2015:</p> <p>CBP concurs with tabling the Distribution Chain Management initiative and is not interested in pursuing this initiative further in the near future.</p> |

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| 219 | 13035 | 14 | 02/20/14 | TERC-RAWG | <p>Consistency in Focused Assessments - The COAC is concerned about consistency in Focused Assessments under CBP's new "flexible" approach.</p> <p>The COAC recommends that CBP ensure the new flexible approach maintains an acceptable range of variation through appropriate training and oversight.</p> <p>The COAC further recommends that CBP implement a process through which importers can seek recourse at any time during the audit process if they believe the variation in approach on their Focused Assessment is not acceptable.</p> | -- | Under Consideration | <p>Status as of September 2015:</p> <p><i>The COAC recommends that CBP ensure the new flexible approach maintains an acceptable range of variation through appropriate training and oversight.</i></p> <p>OT-RA Status: Partially Implemented</p> <p>CBP needs to balance consistency with a reasonable degree of variation given the complex and varied environments in which our audit candidates operate. CBP has provided training to all auditors on the updated audit program and plans to monitor implementation.</p> <ul style="list-style-type: none"> • All audit staff have attended a 3-day training course on the updated program. • COAC's recommendations and CBP's responses were discussed during the training to inform the auditors of the trade's concerns. <p>A team has been formed to design and implement a mechanism to provide guidance and monitor consistency across audit teams.</p> <p><i>The COAC further recommends that CBP implement a process through which importers can seek recourse at any time during the audit process if they believe the variation in approach on their Focused Assessment is not acceptable.</i></p> <p>OT-RA Status: Fully Implemented</p> <p>Audit teams will continue to provide contact information at the entrance conference that importers can use to raise any concerns or issues to management.</p> |
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| 220 | 13036 | 14 | 02/20/14 | TERC-RAWG | <p>Entry Selection and Sample Sizes</p> <p>a. The trade is concerned about the increase in sample sizes proposed in the Focused Assessment changes. Since sampling sizes are a key trade concern and since the changes will result in some fairly significant increases to sample sizes, the COAC recommends that CBP share the details of these changes with the trade as quickly as possible, giving the trade sufficient notice to prepare for the change and adjust their own internal compliance and audit processes well in advance of CBP's implementation of those changes.</p> <p>b. The trade is concerned that increasing sample sizes may extend the current time periods for Focused Assessments and resulting burden on companies being audited. COAC recommends that the CBP Regulatory Audit team complete both the PAS and the ACT phases of the FA within 6 months.</p> | -- | Under Consideration | <p>Status as of September 2015:</p> <p><i>The trade is concerned about the increase in sample sizes proposed in the Focused Assessment changes. Since sampling sizes are a key trade concern and since the changes will result in some fairly significant increases to sample sizes, the COAC recommends that CBP share the details of these changes with the trade as quickly as possible, giving the trade sufficient notice to prepare for the change and adjust their own internal compliance and audit processes well in advance of CBP's implementation of those changes.</i></p> <p>OT-RA Status: Partially Implemented</p> <p>CBP has been conducting trade outreach presentations with various trade associations since April 2014 to inform the trade of the updates to the FA program, including the changes in sample size guidelines. A public webinar is also scheduled for October 9, 2014 at which time the updated audit program will be posted to CBP.GOV.</p> <p><i>The trade is concerned that increasing sample sizes may extend the current time periods for Focused Assessments and resulting burden on companies being audited. COAC recommends that the CBP Regulatory Audit team complete both the PAS and the ACT phases of the FA within 6 months.</i></p> <p>OT-RA Status: Response Provided by CBP</p> <p>While there are circumstances in which a phase of an FA could be completed within a 6 month period, CBP does not believe this recommendation is feasible. Auditors must obtain a sufficient understanding of the importer and its environment to ensure our risk determinations are appropriate. Given the complexity and varied environments of</p> |
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| | | | | | | | | our audit candidates, a six month timeframe is not typically a sufficient period of time to gain such an understanding. Also, there are a number of factors beyond the auditors' control that contribute to extending the audit timeline (e.g., importer requests to extend due dates for information requests; complex or significant issues that require involvement of other CBP disciplines). CBP believes that the updates will eventually reduce the total timeframe to complete all the necessary phases of the Focused Assessment (e.g., use of stop-and-go statistical sampling may allow compliance testing to be completed during the PAS eliminating need for subsequent actions; increased compliance testing in the PAS will result in more targeted corrective actions and may eliminate need for multiple follow-up audits; focus on consideration of significance may reduce audit areas included in scope of audit and immaterial negative findings). |
| 221 | 13037 | 14 | 02/20/14 | TERC-RAWG | Audit Plans - The COAC recommends that audit plan changes be subject to supervisory review. | -- | Under Consideration | <p>Status as of September 2015:</p> <p>Auditors are required to obtain supervisory approval of changes to the written audit plan and audit program.</p> <p>OT-RA Status: Fully Implemented</p> |

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| 222 | 13038 | 14 | 02/20/14 | TERC-RAWG | <p>Timing for Responses to CBP Requests for Information / Documentation - The COAC recommends that CBP give the importer 30 days to put together written documentation and written responses after initial request with an opportunity for an additional 30 day extension upon request; in some special cases, CBP may grant additional extensions as circumstances permit.</p> | -- | Under Consideration | <p>Status as of September 2015:</p> <p>CBP believes importers are provided a reasonable amount of time to provide requested information. Generally importers are given 30 days to provide requested information and extensions are granted when circumstances warrant. However, there may be circumstances when more or less time is given depending on the amount and complexity of the information requested. Auditors work with the importer to develop a reasonable timeframe that meets the needs of both parties. COAC's recommendations and CBP's responses were discussed during the auditor training to inform the auditors of the trade's concerns.</p> <p>OT-RA Status: Fully Implemented</p> |
| 223 | 13039 | 14 | 02/20/14 | TERC-RAWG | <p>Focused Assessment Informed Compliance Documents - The COAC recommends that CBP collaboratively develop Informed Compliance Documents with the trade to provide clearly written guidance on the following topics:</p> <ol style="list-style-type: none"> a. Specific guidance as to what CBP will accept from an importer to support its related party pricing methodology b. Clearly define statistical sampling in lay terms c. Sometimes considerable time is spent during Focused Assessments on one off cases; create a document that better defines how CBP may assess these "unusual" transactions and how CBP determines when there is a significant degree of exposure of loss/harm to the government that warrants inclusion d. Clearly outline CBP's expectations that will lead to a successful result from a Focused Assessment | -- | Under Consideration | <p>Status as of September 2015:</p> <p><i>a. Specific guidance as to what CBP will accept from an importer to support its related party pricing methodology</i></p> <p>OT-RA Status: Under Consideration</p> <p>CBP will consider this recommendation in future updates to its Informed Compliance Publications.</p> <p><i>b. Clearly define statistical sampling in lay terms</i></p> <p>OT-RA Status: Under Consideration</p> <p>CBP will consider this recommendation when it moves to update its statistical sampling policies, procedures, and guidance which will take place during a later phase of the update.</p> <p><i>c. Sometimes considerable time is spent during Focused Assessments on one off cases; create a document that better defines how CBP may assess these "unusual" transactions and how CBP determines when there is a</i></p> |

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| | | | | | | | | | | <p><i>significant degree of exposure of loss/harm to the government that warrants inclusion.</i></p> <p>OT-RA Status: Response Provided by CBP</p> <p>CBP acknowledges that the amount of time and effort spent by both the importer and CBP addressing “unusual” or “one-off” transactions should be consistent with the materiality and significance that those transactions represent. One of the areas of emphasis in the updated audit program and in our internal training is the consideration of significance and materiality. As a result, this is an area in which considerable time was spent during the training and will continue to be an area of focus during the implementation. However, specific guidelines regarding the consideration of materiality and significance – especially in the context of individual transactions – are not practical as such guidelines cannot take into account the unique facts and circumstances of each importer and its environment. There will always be conditions that do not fit within predefined boundaries and having too rigid a system undermines the exercise of professional judgment. Furthermore, CBP believes that this issue will be overcome by events as greater emphasis is placed on the consideration of materiality and significance.</p> <p><i>d. Clearly outline CBP’s expectations that will lead to a successful result from a Focused Assessment</i></p> <p>OT-RA Status: Under Consideration</p> <p>CBP will make the updated audit program and technical guidance publicly available via CBP.GOV so that the trade community can obtain an understanding of the procedures to be performed and the guidance followed by auditors in conducting Focused Assessments. Further, CBP will continue its trade outreach</p> |
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| 224 | 13040 | 14 | 02/20/14 | TERC-RAWG | <p>Auditor Training – The COAC recommends that CBP provides special emphasis to the areas listed below during its auditor training:</p> <ul style="list-style-type: none"> a. GL best practices – case study training for general ledger reviews during audits b. Collaborative training with the trade to give auditors a better understanding of importer accounting practices c. Emphasize that lack of written procedures, written compliance manuals and written internal controls is not necessarily an indicator of noncompliance d. Because assessment of fraud risk language has been added to the Focused Assessment PAS document, emphasize that identifying fraud is not the sole goal of audit | PI | | <p>Status as of September 2015:</p> <p><i>a. GL best practices – case study training for general ledger reviews during audits</i> OT-RA Status: Partially Implemented</p> <p>Since this is an area in which CBP very often has significant findings, it is an area in which we expend significant audit effort and will be an area emphasized in our training, especially the importance of obtaining an understanding of the importer’s processes and procedures prior to beginning detailed testing. Before performing detailed testing, auditors spend significant effort discussing with the importer its environment and accounting practices so that we can understand how the importer transacts with foreign vendors and other activities and transactions that affect customs value. However, this process is often complicated due to the importer’s lack of knowledge of customs valuation and insufficient internal communication across departments. CBP also addressed this topic in our trade outreach efforts as well. We plan to develop more detailed case study training for future training programs.</p> <p><i>b. Collaborative training with the trade to give auditors a better understanding of importer accounting practices.</i> OT-RA Status: Under Consideration</p> <p>CBP will consider this recommendation in developing future training plans.</p> <p><i>c. Emphasize that lack of written procedures, written compliance manuals and written internal controls is not necessarily an indicator of noncompliance</i> OT-RA Status: Fully Implemented</p> |
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| | | | | | | | | <p>CBP acknowledges that the lack of formal written policies and procedures is not necessarily an automatic path to an unacceptable risk conclusion and that auditors need to consider the specific facts and circumstances of the audit. However, CBP would note that it is a factor that has a significant impact on the auditors' risk assessments and the extent of testing that may be performed. This is an area that was emphasized in training.</p> <p><i>d. Because assessment of fraud risk language has been added to the Focused Assessment PAS document, emphasize that identifying fraud is not the sole goal of audit</i></p> <p>OT-RA Status: Fully Implemented</p> <p>The assessment of fraud risk is a requirement established in the Government Auditing Standards. Any audit performed by any organization in compliance with these standards will include an assessment of fraud risk. Auditors understand that the intent of this requirement is not to set out to seek fraud; but rather, the intent is to be aware of fraud risks and design procedures to address such risks. However, the intent of the requirement was reiterated during the training.</p> |
| 225 | 13041 | 14 | 02/20/14 | TERC-RAWG | <p>Bi-directional Education - The COAC recommends CBP implement an initiative for bi-directional compliance and Focused Assessment education to improve trade compliance and CBP's audit strategy by industry. The COAC recommends that the education occur through webinars, seminars, CBP Regulatory Audit participation in trade association events and industry - specific Center of Excellence training for CBP auditors and the trade.</p> | FI | <p>Status as of September 2015:</p> <p>CBP has been conducting trade outreach presentations with various trade associations since April 2014 to inform the trade of the updates to the FA program, including the changes in sample size guidelines. CBP will consider this recommendation in designing future trade outreach initiatives and future training programs.</p> <p>OT-RA Status: Under Consideration</p> | |

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| 226 | 13042 | 14 | 02/20/14 | TERC-RAWG | Assess Progress - The COAC recommends that once this new process is implemented, the trade and CBP regularly meet to review results, discuss best practices that may be shared more widely with the trade, review areas for improvement and discuss challenges & concerns to ensure we continue to make progress together. | PI | | Status as of September 2015: CBP will consider this recommendation in designing its mechanism for monitoring the implementation of the updated program. OT-RA Status: Under Consideration |
| 231 | 13047 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP collaborate with its express consignment stakeholders to develop a simplified and mutually beneficial IPR enforcement process in the express consignment environment through which CBP would offer the importer and the U.S. consignee an abandonment option on detention notices for shipments detained by CBP on suspicion of trademark or copyright violations. | PI | | Status as of September 2015: On November 1, 2014, CBP successfully implemented a pilot at the UPS Express Consignment Facility in Louisville, KY to streamline procedures for the administrative processing of small shipments in the express consignment environment. |
| 232 | 13048 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP work with its express consignment stakeholders to finalize the details of the process and leverage the express carriers' existing resources to enhance the facilitation of legitimate shipments, enabling CBP to reallocate resources to refine and focus IPR targeting and enforcement efforts, preventing violative goods from entering the U.S. marketplace and encouraging the efficient flow of legitimate shipments. | PI | | Status as of September 2015: The program was expanded to the DHL Express Consignment Facilities in Cincinnati, OH and Los Angeles/Long Beach, CA on February 1, 2015. On April 19, 2015, the program was expanded a second time to the DHL Express Consignment Facilities in Miami, FL and New York City, New York. As of September 14, 2015, there have been more than 2,500 total abandonments recorded. CBP will brief the Port of Anchorage, AK on rollout of the program at the FedEx facility in Anchorage as a limited, 90-day trial. Concurrently, FedEx intends to brief its Anchorage, AK personnel on the limited rollout. Full rollout of abandonment program to all UPS express consignment locations for implementation by the end of Fiscal Year 2015. |

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| 233 | 13049 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP pilot the use of the Document Imaging System (DIS) in ACE within the next 12 months as a means for importers and customs brokers to voluntarily provide information to assist CBP in assessing a shipment's IPR risk. At entry, filers would transmit documents (not otherwise required at entry) and/or digital images supporting the authenticity of the shipment. During IPR targeting, CBP would consider this information in determining whether to hold the shipment for examination or release it. The pilot would test a method for furnishing advanced information about a shipment's IPR compliance, and might allow CBP and the trade to determine whether DIS could be used to provide facilitation benefits to legitimate importers. | PI | | Status as of September 2015: In September 2014 CBP began solicitation for program volunteers from a variety of industries to transmit advanced IPR authenticating documentation and information about a shipment's IPR compliance via DIS, in an effort to expedite release of legitimate goods and reduce transaction costs. |
| 234 | 13050 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP collect and share pilot results with the COAC, offering the COAC an opportunity to further review and comment on the initiative. | -- | Under Consideration | Status as of September 2015: Though lack of interest during the pilot phase from volunteers, it was determined DIS did not garner enough support from importers to continue testing this initiative. |
| 235 | 13051 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP pilot a Voluntary Disclosure program for IPR within the next 12 months that will allow members of the trade to provide CBP with intelligence for targeting purposes by voluntarily disclosing violations of the laws prohibiting importation of goods infringing U.S. registered trademarks or copyrights. The goal of the program should be to enable the trade community to work with CBP to stop infringing items imported contrary to law from being sold or delivered into the commerce of the United States. | -- | Under Consideration | Status as of September 2015: The Voluntary Disclosure Working Group determined that because of the potential litigation risk to CBP by the proposal, and the lack of significant potential benefits to the trade community, a pilot of this program is not viable at this time. |
| 236 | 13052 | 14 | 09/24/15 | TERC-IPR | The COAC recommends that CBP open a Working Group to finalize the details of the pilot program using both the July 20, 2010 document that was co-created by CBP and the COAC as well as stakeholder input as a framework for that discussion and allow the COAC to comment on the final program document before implementation of the pilot. | -- | Under Consideration | Status as of September 2015: A sub-working group of the COAC-TERC-IPRWG, specific to this initiative, was formed in order to further consider this recommendation. |

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| 237 | 13053 | 14 | 09/14/15 | TERC-IPR | The COAC recommends that CBP collect and share pilot results with the COAC, offering the COAC an opportunity to further review and comment on the initiative. | -- | Under Consideration | Status as of September 2015: The Voluntary Disclosure Working Group determined that because of the potential litigation risk to CBP by the proposal, and the lack of significant potential benefits to the trade community, a pilot of this program is not viable at this time. No further action has taken place. |
| 301 | 13117 | 15 | 09/14/15 | TERC | The COAC formed a Voluntary Disclosure work group to review the recommendations made at the May 2014 COAC public meeting. The work group has determined that because of the potential litigation risk contained in the Voluntary Disclosure July 20, 2010 document for both CBP and the trade, and the lack of benefits to the trade contained in the document, a pilot of this program is not viable. The COAC recommends that a pilot of this Voluntary Disclosure program for IPR should not be initiated by CBP. | FI | | Status as of September 2015: A sub-working group of the COAC-TERC-IPRWG, specific to this initiative, was formed in order to further consider this recommendation. No further action has taken place. |
| 302 | 13118 | 15 | 09/14/15 | TERC | COAC recommends CBP utilize CSMS messaging to more actively push out AD/CVD information in the following circumstances: (1) when a petition is initially filed with the Department of Commerce and at the time of initiation (2) for every scope review determination by the Department of Commerce, with efforts made in conjunction with the DOC to summarize the scope ruling in the most readable/understandable way possible. CSMS messages should also contain links to the DOC case in question and contact information at CBP and DOC for questions. The target date for development of this process is within 90 days, recognizing that individual cases can involve language that is very technically complicated and the ability to summarize in a more simplified way may vary and take more time. | PI | In Process | Status as of September 2015: To date, one CSMS has been issued regarding a scope ruling. CBP recognizes that the messages need to be more frequent and CBP continues to collaborate with DOC regarding the issuance of the CSMS messages for AD/CVD. The DOC recently developed draft boiler plate language for future CSMS messages. This draft language is under review by CBP. |

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| 303 | 13119 | 15 | 09/14/15 | TERC | <p>COAC recommends CBP work with specific industry sectors to develop additional industry outreach related to AD/CVD issues with particular emphasis on reaching further down the supply chain beyond the traditional importer and domestic industry community. This outreach should include additional coordination with other agencies such as the Department of Commerce, the Department of Justice and ICE/HSI, as well as harnessing and building upon the expertise at the Centers of Excellence and Expertise.</p> <p>The target date to develop and outline a strategy for this is within 90 days with a 12 month target to begin to implement new strategies.</p> | PI | In Process | <p>Status as of September 2015:</p> <p>CBP continuously works in partnership with the partner government agencies and specific industry sectors to share enforcement efforts and gather trade intelligence. CBP is engaged with the partner agencies and the trade community through regular meetings and joint training sessions. Additionally, CBP's Centers of Excellence and Expertise have provided a greater opportunity to build upon and leverage industry subject matter expertise for both facilitation and enforcement.</p> |
| 304 | 13120 | 15 | 09/14/15 | TERC | <p>COAC recommends CBP undertake a dedicated communications initiative to further develop and improve information systems currently communicating AD/CVD information to stakeholders. Specific areas of focus should include (1) more prominent highlighting of AD/CVD information on the current cbp.gov website (2) communicating additional case-specific information such as "fraud alerts" and other appropriate "concerns for the trade" (3) better coordination of AD/CVD web portals/web content currently managed by other agencies and (4) continued development of FAQ's working in conjunction with the trade and other agencies. We recommend ongoing coordination with the trade as much as possible with all of these communication efforts.</p> <p>We recognize the ongoing work currently taking place in these areas and recommend a target date of 12 months to develop a more fully dedicated communications structure.</p> | PI | In Process | <p>Status as of September 2015:</p> <p>As part of CBP's expanded outreach efforts with industry stakeholders CBP is committed to providing AD/CVD information on cbp.gov. These communications include the AD/CVD Trade Update, AD/CVD Fact Sheet, FAQs and Scam Alerts. Additionally, CBP recently publicized AD/CVD enforcement efforts and in Frontline magazine. CBP is working to further develop a consistent approach to these communication efforts.</p> |
| 305 | 13121 | 15 | 09/14/15 | TERC | <p>COAC recommends consideration in the longer term of the idea of a single, multi-agency managed website dedicated to AD/CVD. AD/CVD has a unique and particularly complicated set of laws, regulations and policies with multiple agencies involved in management of the AD/CVD process. The existence of one single website or other communications portal dedicated as an umbrella for AD/CVD information could provide significant long term value for all stakeholders.</p> | PI | In Process | <p>Status as of September 2015:</p> <p>CBP has held several meetings with the partner government agencies regarding a single website for AD/CVD information. CBP considers the development of the ACE single window an opportune time to bring together the pertinent AD/CVD information into one website and CBP's Office of Trade Relations has taken the lead in this effort.</p> |

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| 13th Term (2013 – 2015) Trusted Trader Subcommittee | | | | | | | | |
| N/A | N/A | 13 | 05/22/13 | TT | Trusted Trader Program –Before issuing the final Trusted Trader program requirements, we urge CBP to allow us to have an opportunity to review the results of all pilots and provide input to the program in its totality before we (as COAC) decide whether to endorse the program. | -- | | CBP’s position is that this is a statement not a recommendation. |
| 217 | 13033 | 14 | 02/20/14 | TT | COAC recommends that CBP allow us to have an opportunity to review the results of all Trusted Trader pilots and provide input to the program in its totality before we (as COAC) decide whether to endorse the program. | PI | | Status as of September 2015: CBP agrees and will provide COAC with the results of the Trusted Trader Test Program once it has been reviewed by OFO Assistant Commissioner. – Post December 2015 OFO Status: Partially Implemented |
| 238 | 13054 | 14 | 05/22/14 | TT-C-TPAT | The COAC recommends that CBP release the proposed Exporter Supply Chain Security Criteria and C-TPAT Exporter Eligibility Requirements within the next 60 days. | FI | Completed | Status as of September 2015: The exporter eligibility requirements and security criteria were posted on the C-TPAT website on July 8, 2014. C-TPAT developed the Exporter Entity FACT Sheet which was posted on the website on August 5, 2014. Additionally, a Frequently Asked Questions document on the C-TPAT exporter entity was developed and posted to the website on October 3, 2014. OFO Status: Fully Implemented |

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| 239 | 13055 | 14 | 05/22/14 | TT-C-TPAT | The COAC recommends that the release of the C-TPAT for Export criteria should include a comprehensive list of initial benefits that are measurable and quantifiable. | PI | In Process | <p>Status as of September 2015:</p> <p>C-TPAT Exporter Entity benefits include (but not limited to):</p> <ul style="list-style-type: none"> ○ Reduced examinations by CBP; ○ Priority Processing in AES- C-TPAT created an icon in AES to help identify C-TPAT members by CBPOs in the field; ○ Customs/facilitation benefits from MRA partners; ○ Business resumption; ○ Assigned SCSS to resolve cargo problems/answer questions; ○ Marketing; companies are confident C-TPAT cargo is more secure; ○ Portal access- security training materials and direct messaging with SCSS; <p>CBP is also working with Foreign AEO programs to implement the exporter benefits and quantify saved resources.</p> <p>OFO Status: Partially Implemented</p> |
| 240 | 13056 | 14 | 05/22/14 | TT-C-TPAT | The COAC recommends that after CBP releases the C-TPAT for Export criteria, they should provide a forum for ongoing dialogue with the trade community, such as a C-TPAT Working Group, to gain valuable feedback to quantify the efficacy of the program and to identify additional benefits to attract more participants going forward. | PI | In Process | <p>Status as of September 2015:</p> <p>The program manager for C-TPAT Exports participates on all COAC Subcommittee for Exports calls. CBP representatives provide outreach for Exports upon request.</p> <p>OFO Status: Partially Implemented</p> |

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| 275 | 13091 | 15 | 10/07/14 | TT | The COAC recommends that CBP complete the selection process for the Trusted Trader Pilot and report on a regular basis the ongoing experience of the participants. | PI | In Process | <p>Status as of September 2015:</p> <p>CBP selected nine of the 56 importers who volunteered to participate in the pilot. Of the nine importers who were selected, eight were existing C-TPAT members. CBP representatives report the Trusted Trader status to COAC during the Trusted Trader subcommittee calls.</p> <p>OFO Status: Partially Implemented</p> |
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| 276 | 13092 | 15 | 10/07/14 | TT | <p>With the release of C-TPAT Exporter Entity, the COAC recommends setting out a list of meaningful initial and long term benefits while soliciting from the Trade additional advantages associated with the initiative.</p> | PI | In Process | <p>Status as of September 2015:</p> <p>CBP/C-TPAT developed the tier system used to grant benefits for imported cargo in the Automated Targeting System (ATS) and applied those same tier structure features to the Automated Export System (AES). This enables C-TPAT exporters to experience priority treatment by CBP and other Partner Government Agencies (PGAs) viewing AES for purposes of targeting.</p> <p>Other meaningful benefits include the efforts made towards our Mutual Recognition Arrangements (MRA) partners. Mexico has equipped their cargo tracking and targeting systems with the capability to grant C-TPAT Exporters with facilitation of their cargo as long as the C-TPAT partners have a current status of certified/validated and can provide an Employer Identification Number (EIN) number.</p> <p>Canada's Partners and Protection Program (PIP) has been granting C-TPAT Exporters the same benefits as those experienced by PIP members. C-TPAT has been exchanging company information with those agreeing to participate in receiving facilitation and priority with PIP.</p> <p>C-TPAT representatives will continue to participate in subcommittee meetings and discussions about additional export benefits to the trade.</p> |
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| 13th Term (2013 – 2015) | | | | | | | | |
| One U.S. Government at the Border Subcommittee | | | | | | | | |
| 197 | 13013 | 14 | 11/15/13 | 1USG | <p>The One US Government at the Border Subcommittee recognizes U.S. Customs & Border Protections' (CBP) work towards the One US Government (1USG) Single Window Concept and recommends:</p> <ul style="list-style-type: none"> • CBP support the continued development of the International Trade Data Set (ITDS) Single Window to include all Partner Government Agency (PGA) requirements, including FDA, in the PGA Message Set. • CBP accepts 1USG unified import filings including PGA data up to 30 days prior to shipment's departure from the foreign origin. CBP should pass the PGA message set data to the PGA upon receipt. The PGA should review the data for admissibility as early as possible, well in advance of the cargo's arrival. The PGAs will benefit from early data filing, affording the PGA more time to assess risk, review importer & product compliance, and make admissibility decisions while effectively managing their resources. The precedent of early submission requirements of import data is exemplified in Air Cargo Advanced Screening (ACAS), FDA Prior Notice and CBP Importer Security Filing (ISF). • Upon receipt of 1USG unified import filings, CBP shall provide clear, concise and coordinated messaging to the trade on the status of entry release data and PGA data submission through ACE. The trade requires a consistent message set that includes anticipated status information from each Partner Government Agency as well as CBP. The message set should also provide examination information for planning purposes. The trade community recognizes that the final CBP and PGA cargo release messages will not be issued until one of the following occurs: goods are laden on the vessel (Ocean), wheels up (air), train consisted (rail) or cargo arrives at the border (truck). | PI | In Process | <p>Status as of September 2015:</p> <p>Bullet 2: CBP agrees with this assessment where applicable. The trade will need to submit the data in a timely manner and not hold to the manifest timelines in MOT's that have quick turnarounds such as truck and air.</p> <p>Bullet 3: CBP realizes the importance of clear messaging and agrees with the committee's assessment. CBP will soon publish a document with legal definitions of the messaging. PGA's are encouraged to work within the framework of these definitions so that messaging is utilized accurately for the agencies involved.</p> |

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| 198 | 13014 | 14 | 11/15/13 | 1USG | <p>The COAC 1USG@TB recommends CBP work with the Partner Government Agencies through the Border Inter-Agency Executive Council (BIEC) to ensure support for CBP and PGA Trusted Trader programs.</p> <ul style="list-style-type: none"> Trusted Trader participants who submit full advance data submissions should be provided a CBP/PGA cargo release response message (not the anticipated status information received by non-trusted traders) prior to arrival of the cargo, according to a defined and predictable timeline (based on Mode of Transportation or MOT). In the absence of a credible threat and/or real evidence of a goods' inadmissibility, shipments for Trusted Traders shall not be delayed or detained based on the mere "appearance of" a violation without observed evidence of an actual violation. Trusted Trader programs shall be designed to fully leverage CBP's and the trade's investment in Compliance and Security programs such as the Customs – Trade Partnership Against Terrorism (C-TPAT), Importer Self-Assessment (ISA), and Focused Assessment (FA) programs. The COAC acknowledges the significant contribution of time and resources that program participants make, and recommends that participation in these programs sets the stage for the participation in PGA Trusted Trader programs, such as the FSMA/FDA Voluntary Qualified Importer Program (VQIP). | PI | In Progress | <p>Status as of September 2015:</p> <p>DHS and CBP are both coordinating this effort.</p> |
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| 199 | 13015 | 14 | 11/15/13 | 1USG | <p>The COAC recommends CBP, PGAs and the trade community develop an efficient process to allow timely and early electronic corrections of data, whether or not the information is considered material for admissibility purposes.</p> <ul style="list-style-type: none"> • COAC supports the early filing of data, with the ability for the data to be updated as new information becomes available. Entry corrections shall be allowed prior to arrival or post arrival through the ACE corrections and deletions program. • Correction of clerical errors should not impact CBP or PGA targeting of Trusted Traders. • In addition, the trade community should be notified via ABI or other means if the Partner Government Agency makes an adjustment or updates the data filed by the trade. | -- | Under Consideration | Status as of September 2015: |
| 200 | 13016 | 14 | 11/15/13 | 1USG | <p>The COAC recommends that via the BIEC, CBP should work with the PGAs to define the most workable and efficient way to incorporate the relevant PGAs into the Centers for Excellence & Expertise (CEE) according to industry. CBP should work via BIEC to ensure adequate PGA support for the CEEs, with the ultimate goals of:</p> <ul style="list-style-type: none"> • Making Admissibility Decisions • Fostering Transparent & Standardized Decision Making to Facilitate a Predictable Supply Chain. • Providing an Empowered Point of Contact to whom issues may be escalated. • Facilitating Trade Education & Communication | PI | In Process | Status as of September 2015: |
| 201 | 13017 | 14 | 11/15/13 | 1USG | <p>The COAC recommends CBP work with FDA to provide for electronic notification via ACE when a FDA Notice of Action is issued. The trade recognizes that the FDA Notice of Action will be available via ITACS but believes the electronic notification to the filer via ACE will enhance the trade's ability to respond to the FDA Notice.</p> | -- | Under Consideration | Status as of September 2015: |

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| 202 | 13018 | 14 | 11/15/13 | 1USG | <p>The COAC recommends CBP work through the BIEC, to encourage the Partner Government Agencies to review the efficiency of their entry release process, identifying clearance bottlenecks, and working to reduce those chokepoints. Analysis of their release process could lead to efficiencies through centralized entry reviews and expanded coverage hours. Delays or detention of goods while waiting for the PGA to determine admissibility could be avoided through more efficient entry release processes, consistent with how global supply chains function.</p> <p>The COAC recommends that CBP work through the BIEC, to encourage PGAs to provide admissibility decisions at the time of Cargo Release.</p> | PI | In Process | Status as of September 2015: |
| 203 | 13019 | 14 | 11/15/13 | 1USG | <p>The COAC recommends CBP work with FDA, CPSC and any other PGA who utilizes CBP's Penalty or Liquidated Damage systems, to define and publish penalty mitigation guidelines for the PGA, taking into account an importer's Trusted Trader status.</p> <p><i>In conclusion, the One US Government at the Border Subcommittee believes these recommendations are consistent and in the spirit of COAC's 12th Term One U.S. Government at the Border (1USG) Master Principals document, the SAFE Port Act of 2006, the ITDS "single window" requirements and supports The Department of Homeland Security (DHS) Global Supply Chain Security Strategy. DHS's "Extending the Border Priorities" supports the early electronic submission of entry data. Early filing in ACE prior to the arrival of cargo at the port of entry (POE) provides significantly improved opportunities for 1USG security and compliance risk assessments, greater resource planning and cost management efficiencies for both CBP as well as the Partner Government Agencies (PGAs). In return, the trade community would benefit from materially improved predictability and flow of lawful trade. Early filing of entry data does not preclude CBP or PGA from conducting physical exams or inspections.</i></p> | | Under Consideration | Status as of September 2015: |
| 263 | 13079 | 15 | 10/07/14 | 1USG | COAC voted to adopt the import mapping education packages as submitted. The COAC further suggests that CBP continue their dialogue with the Partner Government Agencies, and the Border Interagency Executive Council (BIEC) on the opportunities for improvement and continue to work with the trade on solutions. | PI | In Process | Status as of September 2015: |

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| 264 | 13080 | 15 | 10/07/14 | 1USG | Consistent with the 1USG single window concept, CBP and FDA should accept and review advance data submissions as early as possible in the transit cycle to allow for preclearance prior to arrival. Earlier, consolidated entry submissions would provide the agencies (CBP, FDA, and other PGAs) with greater upstream visibility to assess security and admissibility risks, engage the trade to resolve risks, and provide for earlier admissibility decisions, ideally well before the physical arrival of the goods at the port. CBP should share arrival information with FDA and the other PGAs as soon as possible, upon receipt, rather than holding it for a specified time based on MOT. | -- | Under Consideration | Status as of September 2015: |
| 265 | 13081 | 15 | 10/07/14 | 1USG | Working with FDA, CBP should develop a mechanism in ACE for importers/filers to amend specific FDA data elements, including port codes, without having to cancel and replace the entire entry. | -- | Under Consideration | Status as of September 2015: |
| 266 | 13082 | 15 | 10/07/14 | 1USG | Foreign site identification numbers (e.g. MID, DUNS, IOR, FEI, FFR, etc.) used by CBP, FDA and other agencies in ACE should be reduced to a single identifier, creating a uniform standard in ACE/ITDS. The creation and maintenance of FEIs requires FDA resources that could be better deployed to other higher risk targeting activities. Similarly, when an importer does provide multiple identification numbers for a foreign facility (e.g., FFR and DUNS) and these numbers are aligned, the targeting should be lower. | -- | Under Consideration | Status as of September 2015: |
| 267 | 13083 | 15 | 10/07/14 | 1USG | FDA transactional messaging built into ACE should be specific and timely, in real-time, notifying the filer what's missing, incorrect, or has been changed by FDA, and a full audit trail should be maintained for any changes that have been made to an entry. | -- | Under Consideration | Status as of September 2015: |
| 268 | 13084 | 15 | 10/07/14 | 1USG | CBP should work with FDA to define optional Intended Use Codes in the PGA Message Set allowing the trade to indicate reasons for disclaiming FDA on certain imported goods where the HTS code may trigger but the goods aren't subject, thereby avoiding the need for manual review. | -- | Under Consideration | Status as of September 2015: |
| 269 | 13085 | 15 | 10/07/14 | 1USG | CBP should include an FDA Workshop as a regular breakout session at the annual Trade Symposium, where importers/filers have an open forum to discuss issues and ask questions. The relevant CEEs should also partner with FDA to host periodic outreach and training events for importers and filers, with targeted training at ports with higher rates of non-AMPs. | -- | Under Consideration | Status as of September 2015: |

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| 270 | 13086 | 15 | 10/07/14 | 1USG | CBP and FDA should provide guidance to the trade regarding the compliant use of Section 321 entries for FDA-regulated goods. | -- | Under Consideration | Status as of September 2015: |
| 271 | 13087 | 15 | 10/07/14 | 1USG | CBP should collaborate with FDA to implement a standardized filer evaluation process, based on nationally published standards and documented written guidance to the brokerage industry on how the evaluations will be conducted. Entry data sent by CBP to FDA should include the filer's processing port, so FDA knows where to target the related filer evaluation when Remote Location Filing is being used. FDA messaging to filers via ACE is critical to improving data quality and is a key component in a standardized filer evaluation. | -- | Under Consideration | Status as of September 2015: |
| 272 | 13088 | 15 | 10/07/14 | 1USG | CBP and FDA should consider consolidating and integrating FDA field/port operations into corresponding CBP Centers of Excellence and Expertise (CEEs), to provide better uniformity and resource utilization. | -- | Under Consideration | Status as of September 2015: |
| 273 | 13089 | 15 | 10/07/14 | 1USG | CBP, via the BIEC, should encourage FDA and other PGAs to continue to consult with the trade via COAC and its subcommittees and working groups, in alignment with the 1USG single window concept. In addition, FDA should use periodic trade surveys to identify current areas of opportunity, allowing the agency to better focus on areas that need further analysis or attention. | -- | Under Consideration | Status as of September 2015: |
| 274 | 13090 | 15 | 10/07/14 | 1USG | To ensure full agency buy-in, any actions taken to fulfill these recommendations should be pushed down from the Commissioner level to the operational level at both CBP and FDA. | PI | In Process | Status as of September 2015: |
| 295 | 13111 | 15 | 02/11/15 | 1USG | The COAC recommends that CBP ensure an acknowledgement of receipt (e.g. "PGA" Data Accepted), followed by defined status messages (e.g. "PGA" May Proceed or Hold Intact) are received from the PGA via CBP when either data (PGA Message Set) or an electronic document (Document Imaging System) is presented to the PGA as part of the cargo release process. | PI | In Process | Status as of September 2015: The trade will not receive individual data accepted messages. It will receive one data accept message for everything submitted. For agencies with potential holds trade will receive: <ol style="list-style-type: none"> 1. Under Review 2. PGA Hold/PGA May Proceed *PGA May Proceed is equivalent to a release from the PGA. |

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| 296 | 13112 | 15 | 02/11/15 | 1USG | The COAC recommends that CBP ensure the PGA message sets returned to the trade community identify the PGA involved at the line level or the entry level, by utilizing a valid Agency Program Code in each message. The term "PGA" in the message set is the place holder for the valid Agency Program Code. | PI | In Process | Status as of September 2015: Each PGA set of data that comes in on the line will have a PGA defined by agency code. When the outbound messaging is sent that same code will be returned. |
| 297 | 13113 | 15 | 02/11/15 | 1USG | The COAC recommends that the CBP ACE messages (generated by CBP or a PGA) be designed so all parties (CBP, PGA and the trade) can distinguish between a true "automated (paperless)" message versus a message issued as the result of some manual review. All parties will be able to assess the percentage of "automated" messages to monitor or track trade facilitation efforts. | -- | Under Consideration | Status as of September 2015: Responses received without holds/hold intact/general dox review are completely automated releases. Not sure why CBP needs to send an indicator. When we send an indicator, it could change if someone places a hold afterwards. |
| 298 | 13114 | 15 | 02/11/15 | 1USG | The COAC recommends to CBP the PGA response messages should have a standard definition, and be uniformly applied by each PGA. A best practice would be to map the normal (automated) process flow for each PGA and identify the messages that individual PGA's will utilize, identifying whether messages will be issued at the entry or the line level. In addition, a DRAFT Message Dictionary is under construction. | PI | In Process | Status as of September 2015: Since inception we have developed a standardized response mechanism |
| 299 | 13115 | 15 | 02/11/15 | 1USG | The COAC recognizes that not all PGAs will require a message set. Some PGAs will utilize the CBP ACE system for their data needs instead of having a standard PGA message set. The COAC recommends to CBP whenever possible, that when a PGA (without their own message set) requests CBP issue a <i>review, documents required or hold message</i> that the trade is informed of which PGA is involved, so the trade may appropriately respond to the correct party to resolve a <i>review, documents required or hold message</i> . | PI | In Process | Status as of September 2015: This is already built into the messaging |
| 300 | 13116 | 15 | 02/11/15 | 1USG | The COAC recommends to CBP that ACE should facilitate carrier visibility to PGA status messages to allow for greater transparency. This work group anticipates that CBP will engage in further dialogue with numerous trade partners representing each transportation mode to facilitate this work. | PI | In Process | Status as of September 2015: Carrier visibility is only on the release of the freight. We only have two potential agencies that can currently effect the release of the freight. FDA and FWS. Messaging will be built to make sure the carrier is informed where applicable. |

14th Term (2015 – 2017)

One U.S. Government at the Border Subcommittee

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| 331 | 14001 | 15 | 04/24/15 | 1USG | The COAC recommends that CBP and CPSC work with the trade community to ensure the Alpha Pilot includes a variety of importers (small, medium, large) as well as a variety of modes of transportation such as air, ocean, truck, rail, and courier. In addition the Alpha Pilot should test both manual data input to the registry and electronic batch upload data received directly from importers. Lastly, the Alpha Pilot should also test a full PG message set with all requisite data elements and a limited PG message set with only the Registry number provided. | FI | Fully Implemented | CPSC & CBP Status as of September 2015: CPSC Staff agrees with this recommendation. Our ability to include small, medium and large importers using a variety of modes of transportation is dependent on the import community's willingness to participate in the Alpha Pilot. Furthermore, because the eFiling Alpha Pilot is limited to no more than nine participants, we may not be able to include all combinations of importers and transportation modes |
| 332 | 14002 | 15 | 04/24/15 | 1USG | The Alpha pilot will include many different stakeholders (e.g. quality assurance departments, trade compliance departments, customs brokers) who have traditionally not been involved with either the CPSC product safety requirements or the CBP import process. The COAC recommends that CBP, CPSC and the trade community work together to ensure, in a measurable way, substantial multi-directional training, engagement and outreach is conducted for all parties prior to the beginning of the Alpha Pilot. | FI | Fully Implemented | CPSC & CBP Status as of September 2015: CPSC Staff recognizes the required involvement of numerous stakeholders in order for the eFiling Alpha Pilot to be a success. We will collaborate with the import community, their brokers, their test laboratories, and any other relevant partners throughout the eFiling Alpha Pilot. In addition to participation with COAC, we will initiate a Trade Support Network (TSN) working group in September and will incorporate their feedback into the technical approach. In addition, CPSC staff will be hosting a Webinar on the CPSC Registry on October 1, 2015. This will be a public meeting for all to participate. |

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| 333 | 14003 | 15 | 04/24/15 | 1USG | The COAC recommends that CBP work with CPSC to strongly encourage that the proposed Alpha Pilot is consistent with the Executive Order on Single Window. The Alpha Pilot should be limited to the data that CPSC is currently authorized to collect with a focus on streamlining the flow of critical information CPSC needs in order to conduct effective risk assessment for admissibility purposes. It is important to note that currently the Certificates of Compliance are in paper form, and the trade community will undertake a significant burden and expense to translate those documents into a PG Message set for CPSC's risk analysis. CPSC should gather information from the TSN ITDS CPSC working group on the PGA message set data requirements prior to conducting the Alpha Pilot. CPSC should make every effort to evaluate the expense for software development and the import surveillance value of the pilot prior to developing the software for the Alpha Pilot, and trade facilitation benefits. | FI | Fully Implemented | CPSC & CBP Status as of September 2015: CPSC staff generally agree with the recommendation. CPSC, in collaboration with CBP, has designed the eFiling Alpha Pilot to streamline the flow of information. We will not evaluate costs before implementation of the Alpha Pilot. However, part of the eFiling Alpha Pilot evaluation will include an analysis of the participants' software and process development expenses and issues raised in implementing an eFiling system. |
| 334 | 14004 | 15 | 04/24/15 | 1USG | The COAC recommends that CBP work with CPSC and other PGAs through the Border Interagency Executive Council (BIEC) to develop a Trusted Trader program to create the opportunity for highly compliant importers to reduce the burden of the data collection and transmission. A Trusted Trader program should consider a tiered approach to data collection, the Registry process and import surveillance, with a view towards reduced examinations, and explore other defined benefits. | PI | Partially Implemented for CPSC | CPSC & CBP Status as of September 2015: CPSC staff agrees that it should explore as resources permit, the use of a Trusted Trader program in risk management analysis by engaging stakeholders through appropriate channels. As a reminder a current "trusted trader" program already exists (ISA-PS) to provide benefit to the trade. Under Consideration by other PGAs CBP does encourage PGAs to use risk assessments and Trusted Trader programs. |

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| 335 | 14005 | 15 | 04/24/15 | 1USG | The COAC recommends that CBP work with CPSC to conduct a cost benefit analysis prior to the start of the Alpha Pilot to evaluate the expense and the import surveillance value of the pilot to CPSC, CBP, and to the trade and that CPSC should further consult with the trade prior to a Beta Pilot or final rulemaking. | UC | Under Consideration | <p>CPSC & CBP Status as of September 2015:</p> <p>CPSC staff does not agree that a cost benefit analysis is appropriate before conducting an Alpha Pilot. However, CPSC will collect information on costs and benefits during the Alpha Pilot, and use such data in its consideration of the program moving forward. CPSC will further consult with the trade before a beta pilot or final rulemaking.</p> |
| 336 | 14006 | 15 | 04/24/15 | 1USG | The COAC recommends that CBP work with CPSC to establish a means for CPSC to be directly involved in the discussions with any future CPSC related working group engagement in order for the working group to be most effective. | UC | Under Consideration | <p>CPSC & CBP Status as of September 2015:</p> <p>CPSC Staff agrees that direct communication is important for a successful Alpha Pilot. Staff will continue to follow the Commission's meetings policy, which establishes legal requirements for opening meetings to the public.</p> |

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| 337 | 14007 | 15 | 04/24/15 | 1USG | <p>The COAC strongly supports <i>the February 19, 2014 President Obama's Executive Order 13659: Streamlining the Export/Import Process for America's Businesses, specifically through the Automated Commercial Environment (ACE)</i> through strategic discussions, communication and metrics. This will help with the validation of Single Window and ACE implementation.</p> <p>1. To enable the trade to effectively plan for trade readiness and implement related contingency plans, CBP should collaborate with the trade on its own alternate risk mitigation plan and those of the PGAs as they relate to the November 1 mandatory electronic filing date. The COAC is concerned that reverting to paper will significantly slow the velocity of trade, especially given the pre-holiday peak season. We recommend that CBP make periodic assessments on trade and PGA readiness in advance of the November 1 mandatory filing date and adjust their implementation schedule accordingly.</p> | FI | Fully implemented | <p>CBP status as of 09/2015</p> <p>10/2/2015 CBP ABO: CBP is continuing to assess stakeholder readiness for the full transitions to ACE. CBP has modified the mandatory transition timeline for electronic entries and entry summaries in ACE:</p> <ul style="list-style-type: none"> On November 1, 2015 we will begin a transition period for electronic entry and entry summary filings in ACE to allow industry and participating government agencies more time to test and provide feedback as they fully transition into the new system. On February 28, 2016 filers will only be permitted to file in ACE, and no longer permitted to file in ACS, all electronic entries and entry summaries. In addition, ACE must be used, and ACS will not be available, for filing electronic data for Food and Drug Administration (FDA); National Highway Traffic Safety Administration (NHTSA); and Animal and Plant Health Inspection Service (APHIS) Lacey Act In July 2016: Upon publication of the Final Rule, ACE must be used for filing data for Agricultural Marketing Service (AMS); Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF); APHIS Core; Centers for Disease Control (CDC); Defense Contract Management Agency (DCMA); Directorate of Defense Trade Controls (DDTC); Drug Enforcement Administration (DEA); Enforcement and Compliance Commission (E&C); Environmental Protection Agency (EPA); Fish and Wildlife Service (FWS); Food Safety and Inspection Service (FSIS); National Marine Fisheries Service (NMFS); and Alcohol and Tobacco Tax |
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| | | | | | | | | and Trade Bureau (TTB). Hybrid submissions will no longer be allowed. |
| 338 | 14008 | 15 | 04/24/15 | 1USG | 2. To expedite the finalization of the PG message sets and ensure the timeliest receipt of the final data requirements and programming specifications by the trade in advance of November 1, CBP should strongly encourage that in the development of their respective PG Message Sets, the PGAs do not "data creep" by including new data elements that are not currently submitted electronically or via paper at the time of entry. Furthermore, new data elements defined as optional or conditional, such as production dates, should not impact the automated release of the goods. | PI | Partially implemented | Status as of October 2015: 10/2/2015 CBP ABO: Mandatory E/ES date updated, per information above – Recommendation 14007 Per discussion with COAC 10/28/2015. |
| 339 | 14009 | 15 | 04/24/15 | 1USG | 3. CBP should work with PGAs who have original document requirements to alter rules to achieve some sort of PG message set capability to sufficiently support release/may proceed decisions. The agencies should be encouraged to modify the underlying regulations to make scanned copies acceptable alternatives to the currently mandatory originals, where the provision of originals does not impact the true admissibility of the goods. | FI | Fully implemented | Status as of September 2015: This has been considered by all ITDS agencies (TPP 10/8/15) |
| 340 | 14010 | 15 | 07/29/15 | 1USG | 1) ACE Entry Summary: For Entry Summaries that are fully functional in ACE today (types 01, 03, and 11), COAC recommends that CBP maintain the mandatory filing date of November 1. If filers are unable to file these ACE Entry Summary types on November 1 due to unforeseen trade or government systems issues, CBP should allow for a defined informed compliance period, similar to how ISF was implemented. CBP should evaluate the reason the filer is unable to file and require an action plan from the filer that describes how they will become compliant, and hold them accountable for meeting the plan. CBP should also allow for a defined informed compliance period for filing Entry Summary for those entries that cannot currently be filed in ACE (for example, Lacey and consolidated summaries with multiple consignees). | FI | Fully implemented | Status as of September 2015: 10/2/2015 CBP ABO: Mandatory E/ES date updated, per information above – Recommendation 14007 |

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| 341 | 14011 | 15 | 07/29/15 | 1USG | 2) ACE Cargo Release (without PGAs or with “DIS only” PGAs): COAC recommends that CBP review the ACE Cargo Release adoption rates, development and deployment issues, and other factors as the November 1 date approaches. We recommend that CBP continue to message November 1 as the mandatory filing date for ACE Cargo Release, but implement a “Phased Adoption” schedule, with COAC’s input and industry acceptance, for the complete implementation of ACE Cargo Release to ensure adequate time for programming, testing, training, and deployment. To encourage timely implementation, in consultation with COAC, CBP should provide incentives to filers who are able to meet the November 1 date. For those unable to file, CBP should analyze the filers who have shown a genuine effort to deploy ACE Cargo Release but due to various issues are unable to fully comply. CBP should allow those filers to continue filing ACS Release with ACE Entry Summary under a defined informed compliance period during which CBP will continue to work with those filers through their deployment and exercise enforcement discretion. Those filers who have shown minimal or no attempt to file ACE Cargo Release by November 1 should be held to a more aggressive action plan and be held accountable if minimal or no effort is apparent. | FI | Fully implemented | <p>Status as of September 2015:</p> <p>10/2/2015 CBP ABO: Mandatory E/ES date updated, per information above— Recommendation 14007</p> <p>10/8/2015 CBP TPP: Fully implemented, but we will not be holding filers accountable other than to disallow hybrids and require a paper entry</p> |
| 342 | 14012 | 15 | 07/29/15 | 1USG | 3) ACE Cargo Release (with PGA message sets): COAC recommends that CBP, the BIEC and ITDS adjust the November 1 requirement to file ACE Cargo Release with PGAs by ninety (90) days with periodic reassessment to ensure that all pilots have been concluded, issues have been resolved, and the related PGA message sets are fully defined and locked down. Given the complexity of the PGA aspects of ACE Cargo Release, CBP should provide adequate time for the trade to program, test, train, and deploy after the conclusion of the pilots. | FI | Fully implemented | <p>Status as of September 2015:</p> <p>10/2/2015 CBP ABO: Mandatory E/ES date updated, per information above— Recommendation 14007</p> |
| 343 | 14013 | 15 | 07/29/15 | 1USG | 4) Quota Entries: COAC recommends that CBP delay the ACE go-live date for quota Entry Summary and Cargo Release until January 1, 2016. | FI | Fully implemented | <p>Status as of September 2015:</p> <p>10/2/2015 CBP ABO: Quota entries and entry summaries are scheduled for deployment on February 27, 2016.</p> |

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| 344 | 14014 | 15 | 07/29/15 | 1USG | 5) Document Imaging System (DIS): COAC recommends that CBP conduct testing, prior to November 1, to ensure that the Document Imaging System can handle large volumes of documents submitted via ABI DIS. In the event DIS is unable to handle the volume on November 1, COAC recommends that CBP consider alternate options to DIS, such as posting documents to the ACE portal as done today and/or allowing filers to email documents in accordance with a standard protocol, and advise the trade of those contingency plans. | PI | Partially Implemented | Status as of September 2015: 10/2/2015 CBP ABO: Mandatory E/ES date updated, per information above– Recommendation 14007 |
| 345 | 14015 | 15 | 07/29/15 | 1USG | 6) Trade Briefings: COAC recommends that CBP provide COAC and the trade with bi-weekly briefings and status reports, including metrics, on each of the PGA’s ACE pilots and general readiness for the mandatory filing date, as well as CBP’s future vision for ACE. | PI | In Progress | Status as of September 2015: Partially Implemented; Disagree with the extent of the recommendation, but will provide some manner and means of trade briefings |
| 346 | 14016 | 15 | 07/29/15 | 1USG | 7) National Guidelines and Escalation: To ensure a common and consistent approach by all ports, COAC recommends that CBP issue national guidelines for dealing with major issues (such as cargo release at terminals and ports) or processing challenges that arise in ACE implementation, including defined escalation paths and the assignment of adequate field, port, and technical resources. CBP should continue the “war room” approach, with sufficient allocation of resources to close all major issues. CBP should clarify the role of field, port, and technical staff, as well as the ABI Client Representatives, in terms of assisting the trade when ACE implementation issues arise. CBP should also issue clear, detailed CSMS messages as soon as possible when ACE implementation issues are identified. If necessary and to ensure port consistency, CBP should provide national guidance on and headquarters review of the issuance of any liquidated damages due to technical difficulties. | FI | Fully implemented | Status as of September 2015: 10/2/2015 CBP ABO: The ABO, in conjunction with OFO, will be conducting training for CBP field employees processing cargo and/or entry summaries prior to the 2/28/16 mandatory filing of E/ESs in ACE. |

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| 347 | 14017 | 15 | 07/29/15 | 1USG | 8) Communication to the Trade: COAC recommends that, to the greatest extent possible, CBP and the PGAs leverage the BIEC and ITDS to provide more targeted and less technical communication of business rules and processes (including policy), software changes, and new requirements to all of trade, including importers, filers, and software vendors, so their respective business processes can be modified accordingly in advance of the mandatory filing date. CBP and the PGAs should not assume that software providers are pushing out this information to their customers, or that highly technical information such as the CATAIR is easily understood by all members of the trade. CBP should also continue to extend communication to other trade members, such as CFS stations and terminals, where paper forms may be required for release, such as non-AMS facilities. | FI | Fully implemented | <p>Status as of September 2015:</p> <p>10/2/2015 CBP ABO: Cargo Release Business Process document – Update posted to CBP.gov 6/22/15</p> <p>10/2/2015 CBP ABO: Entry Summary Business Process document – Updated posted to CBP.gov 8/6/15</p> |
| 348 | 14018 | 15 | 07/29/15 | 1USG | 9) Leveraging BIEC/ITDS: We recommend that CBP leverage the BIEC and ITDS in the oversight of the PGA ACE pilots with the intent of preventing data creep and maintaining alignment with the PGA's current regulatory authority in the development of the PGA message sets, to ensure predictability of operations for the trade. | FI | Fully implemented | <p>Status as of September 2015:</p> |

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| Global Supply Chain subcommittee | | | | | | | | |
| 185 | 13001 | 13 | 05/22/13 | GSC-Land | FAST for carriers - CBP has been very creative in developing processes for conducting C-TPAT validations remotely. However, current CBP travel restrictions do not allow for onsite meetings in Mexico, thereby preventing many C-TPAT certified carriers from participating in FAST. We recommend that CBP develop an alternative to onsite validations that will allow new C-TPAT carriers to become FAST lane participants. | FI | Fully Implemented | Status as of September 2015: Since CBP has signed a MRA with Mexico, the alternative to US conducting "no go" zone validations is having NEEC conduct a number of validations per year on behalf of C-TPAT and we would accept their findings. |
| 191 | 13007 | 13 | 08/07/13 | GSC-ACAS | Recognizing the unique constraints that necessarily accompany the earliest possible transmission of raw data and the significant impact that the language of the ACAS regulations will have on advance data requirements worldwide, draft ACAS-specific data element definitions that a. are more expansive than the equivalent Air AMS data element, b. promote the earliest possible transmission of data for targeting, and c. match as closely as possible the working definitions that have been used and proven effective during the pilot period. | PI | In Process | Status as of September 2015: <ul style="list-style-type: none"> CBP does not feel it is necessary to change the definition of data elements because the definitions of the Air AMS data elements are the type of data that is desirable. At the same time, CBP will recognize that there may be differences in the quality of the data between ACAS data and Air AMS data. CBP appreciates that "raw" data is submitted for the sake of early submission. ACAS filers will be expected to update ACAS data when more accurate information is made available. It is important to note that since the beginning of the pilot, CBP has consistently stated that ACAS was about collecting a subset of currently required data elements, i.e. the subset of the Air AMS data elements, earlier in the supply chain. |

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| 192 | 13008 | 13 | 08/07/13 | GSC-ACAS | <p>Develop an efficient and well-crafted ACAS compliance regime that</p> <ol style="list-style-type: none"> a. adopts an account-based management approach, including the establishment of a carrier account manager structure for advance cargo data, analogous to that which exists for the advance passenger information system, that allows the full picture of a participant and its compliance level to be taken into account in the determination of appropriate compliance measures, b. focuses on the quickest possible identification and remediation of compliance failures, as opposed to devoting limited resources on both the industry and government side to the imposition of transaction-based monetary penalties and subsequent time-consuming mitigation process, c. that targets negligently or intentionally non-compliant parties, particularly those found to be engaging in fraud, and employs broad discretion in the determination to assess liquidated damages against generally compliant parties demonstrating robust efforts to meet ACAS requirements, and d. includes a sufficiently long period of informed compliance to allow the trade to make all necessary process changes and IT system modifications to meet ACAS requirements. | PI | In Process | <p>Status as of September 2015:</p> <p>CBP Position: Account based approach</p> <p>This recommendation will be considered when CBP develops ACAS specific guidelines on the assessment of liquidated damages and its mitigation once rulemaking has been finalized. While CBP understands the value of this recommendation, CBP has identified a few potential challenges.</p> <ul style="list-style-type: none"> • ACAS is about assessing the risk of individual shipments, not the carrier or filer. It is the responsibility of the carrier/filer to comply with ACAS requirements to ensure CBP can assess the risk of each shipment as early as possible. A carrier/filer’s compliance rate and performance has always been appreciated and considered when evaluating the mitigation of liquidated damages. • CBP’s existing enforcement model provides significant opportunity for highly compliant parties to petition and mitigate any assessments of liquidated damages. • If the enforcement structure is changed, ACAS filers may not be able to enjoy the mitigation procedures that they do today. An “account-based” approach may require CBP to develop mitigation guidelines that are much more stringent than they are today in order to ensure those that continually commit violations are held accountable. • Another concern is that an “account-based” approach may pose an undue disadvantage to small and medium sized enterprises. A one-time violation may drop a small company’s compliance rate down by 10 percent, whereas a one-time violation for a large company may |
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| | | | | | | | | not drop its compliance rate down at all. It will be difficult to establish a standardized performance threshold that is fair and equitable to all trade stakeholders, and not arbitrary and capricious. CBP will adopt a reasonable implementation period of informed compliance. |
| 193 | 13009 | 13 | 08/07/13 | GSC-ACAS | Ensure that the filing regime is designed to achieve ACAS's primary policy objectives – namely, enhancing air cargo security by obtaining the earliest possible data submission, while simultaneously avoiding unnecessary negative impacts on air carrier operations, the air cargo business model, and the movement of legitimate goods. In particular: <ul style="list-style-type: none"> a. Recognize both the Integrated Carrier – Conventional Carrier business model and the Freight Forwarder – Conventional Carrier business model, as well as the integrated carriers, conventional carriers and freight forwarders themselves, as distinct entities with regard to commercial practices, operational characteristics and technological capacities that necessitate unique self-filing regimes in terms of pre-requisites for participation and regulatory responsibility. b. Recognize ACAS as a discrete advance data system justifying development of a specific self-filing regime that differs from Air AMS in terms of pre-requisites for participation and regulatory responsibility. | PI | In Process | Status as of September 2015: While the principles expressed will be implemented, the details on how the sub-bullets will be implemented are still under consideration, particularly sub-bullet (b). (01/24/14) |
| 204 | 13020 | 14 | 11/15/13 | GSC | Regulatory requirements for filing air advance data should closely follow successful processes used in the ACAS pilot. | PI | In Process | Status as of September 2015: The purpose of the pilot is to develop lessons learned and best practices. The results of the pilot will be considered when regulation is proposed. |
| 205 | 13021 | 14 | 11/15/13 | GSC | Prior to publication air advance data regulations should be carefully reviewed to ensure that they do not conflict with the Trade Act. | PI | In Process | Status as of September 2015: No change. |
| 206 | 13022 | 14 | 11/15/13 | GSC | To promote harmonization of data and physical cargo security protocols, the ACAS Workgroup should add mapping of cargo trade scenarios, identification of issues, and development of work solutions to its mandate. | -- | Under Consideration | Status as of September 2015: This is a recommendation for COAC to do. |

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| 227 | 13043 | 14 | 02/20/14 | GSC-ACAS | In cases where a master air waybill link is not provided in the original ACAS transmission, the transmitting party should not be required to identify secondary notify parties. The express and freight forwarder dual-filing models that have been proposed by the ACAS Work Group provide better security and operational solutions for cases where the master bill link has not been made by the original transmitter. However, it is recommended that ACAS provide an optional, voluntary secondary notify party functionality for all ACAS transmitters, primarily for the potential of such functionality to significantly enhance NTC – transmitter communication flexibility. | PI | In Process | |
| 228 | 13044 | 14 | 02/20/14 | GSC-ACAS | Because it is expected that regulations and security programs will clearly delineate and define all filing and response requirements for all ACAS participants, it is not envisioned that the inclusion of voluntary trusted trader elements would enhance the ACAS regime. At the same time, the inclusion of trusted trader requirements poses a considerable risk of operational disruption and market distortion. It is therefore recommended that C-TPAT and/or AEO requirements not be made part of any filing models under the ACAS regulations. | FI | Fully Implemented | |
| 229 | 13045 | 14 | 02/20/14 | GSC-ACAS | From the commercial/operational point of view, freight forwarder participation in ACAS as original data transmitters is critical to ensure that the ACAS playing field is level for both express carrier and conventional carrier business models. From the security point of view, per the Freight Forwarder – Conventional Carrier dual filing model proposed by the ACAS Work Group, final regulatory responsibility for ACAS filings and responses remains with the conventional carrier transporting a shipment. This allows some flexibility in the requirements applicable to voluntary freight forwarder participants as opposed to mandatory carrier participants. The regulatory regime governing the freight forwarder ACAS transmitter, therefore, should be carefully calibrated to meet ACAS security goals in a manner that does not discourage freight forwarder participation. In particular, it is not recommended that a 24/7/365 mandatory response requirement, which would be difficult for small and medium size entities to meet, be imposed on forwarder participants. | -- | Under Consideration | Status as of September 2015: Under consideration. |

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| 249 | 13065 | 14 | 05/22/14 | GSC-ACAS | First, because close alignment of customs and security authorities is indispensable to the operational success of pre-departure data risk assessment regimes, and in accordance with the executive order to streamline the import/export process for America's businesses, we recommend that it is appropriate at this time to re-focus on the joint work of CBP and TSA in the implementation of ACAS. In particular the full Global Supply Chain Subcommittee should be tasked with the examination of the alignment of CBP and TSA global security concepts and programs, including but not limited to ACAS, in particular with the identification of areas where the programs are not fully aligned, and where one agency's programs can be leveraged to support the other. | | Under consideration | Status as of September 2015: Under consideration |
| 250 | 13066 | 14 | 05/22/14 | GSC-ACAS | Second, while ACAS was the first pre-departure data regime, it is not the only one – therefore COAC recommends that CBP recognize the need for the inter-operability of such systems in the global supply chain. In particular, we recommend that the Trade Modernization Subcommittee be tasked with the examination of the current state of the harmonization and inter-operability of pre- and post-departure reporting systems worldwide, and in particular tasked with the identification of areas of opportunity and potential solutions, which may include suggestions for an updated and holistic CBP international advocacy/communication plan. | PI | In Process | Status as of September 2015: The 14 th Term COAC Trade Modernization subcommittee will be establishing an International Engagement and Trade Facilitation Working Group that will address this recommendation. |
| 311 | 13127 | 15 | 02/11/15 | GSC | COAC recommends continued development and implementation of Single windows in each of our countries through which importers can submit all government-required information (filing data 1 time for multiple uses). | PI | In Process | Status as of September 2015: The 14 th Term COAC has established the 1 USG North American Single Window Vision Working Group to consider a vision for an interoperable North American single window. |
| 312 | 13128 | 15 | 02/11/15 | GSC-Land | COAC recommends the implementation of U.S. / Canada recommendations of the Integrated Cargo Security Strategy pending CBP/CBSA evaluation. | PI | In Process | Status as of September 2015: Draft ICSS recommendations approved, awaiting Canadian election, October 19 for posting draft report |

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| 313 | 13129 | 15 | 02/11/15 | GSC | COAC recommends that CBP support the completion of a Land, Rail, Maritime, and Air Preclearance agreement with Canada for all modes and develop an implementation plan for execution. | PI | Partially Implemented | Status as of September 2015: This recommendation is Partially Implemented due to a LRMA Agreement signed by the Secretary of DHS and the Public Safety Canada Minister Blaney on March 16, 2015 |
| 314 | 13130 | 15 | 02/11/15 | GSC-Land | COAC recommends streamlined processing of temporary workers who support cross border operations or customers. | PI | In Process | Status as of September 2015: DHS Policy lead for Known Employer Pilot Program - underway |
| 315 | 13131 | 15 | 02/11/15 | GSC-Land | COAC recommends continued diligence on the harmonization of trusted trader programs. | PI | In Process | Status as of September 2015: The trusted trader pilot is underway and program development diligence continues under CTPAT. |
| 316 | 13132 | 15 | 02/11/15 | GSC-Land | COAC recommends implementation of the truck in transit pilot and program. | PI | In Process | Status as of September 2015: Truck In-Transit pilot program under final development anticipated launch early 2016 |
| 317 | 13133 | 15 | 02/11/15 | GSC-Land | COAC recommends that DHS/CBP work with Canada to complete the updated implementation strategy with timelines and timely reporting against those goals to internal and external parties including the COAC. | PI | In Process | Status as of September 2015: Continuing dialog with Canadian counterparts |
| 318 | 13134 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP institutionalize the sharing of best practices from Beyond the Border initiatives and pilots to facilitate trade and, where beneficial, implement at applicable US ports. | PI | In Process | Status as of September 2015: Continuing dialog with Canadian counterparts |
| 319 | 13135 | 15 | 02/11/15 | GSC-Land | The COAC recommends that the USA - Canada border fee study be summarized to include study goals and conclusions. The COAC supports an additional study to analyze the overall cost of crossing the border. | PI | In Process | Status as of September 2015: Draft Study complete, awaiting Canadian concurrence for publishing (pending Canadian Election) Continuing dialog with Canadian counterparts |
| 320 | 13136 | 15 | 02/11/15 | GSC-Land | The COAC recommends that DHS/CBP work with Mexico to create a plan to mitigate border congestion and address port hour limitations. | PI | In Process | Status as of September 2015: Continued dialog with Mexican Counterparts |

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| 321 | 13137 | 15 | 02/11/15 | GSC-Land | The COAC recommends that DHS/CBP work with Mexico under the umbrella of the Joint Declaration on the 21st Century Border to create and disseminate a mutually-agreed-upon plan of infrastructure improvements. | PI | In Process | Status as of September 2015: DHS/CBP and Mexico continue to work together under the auspices of the 21 st Century Border Infrastructure Subcommittee to mutually agree upon infrastructure engagements. |
| 322 | 13138 | 15 | 02/11/15 | GSC-Land | The COAC recommends that DHS/CBP continue to work with Mexico to create a formal communication plan between Mexico and the USA to understand, discuss, and address ongoing issues and emergencies (example: unplanned and planned down time). | PI | In Process | Status as of September 2015: CBP has engaged with SAT in organizing table top exercises (TTX) with other federal, state, local and private sector entities to test and/or develop local response protocols for communication and coordination to events that may pose a potential threat to cargo and travelers border crossings. Additionally, CBP meets regularly with SAT counterparts in the Port Security Committees. |
| 323 | 13139 | 15 | 02/11/15 | GSC-Land | The COAC recommends that DHS/CBP work with Mexico to leverage Mexico's existing process for single window filing in both countries through which importers can submit all government-required information. The Trade should be able to file data one time for multiple uses. | PI | In Process | Status as of September 2015: DHS/CBP continues to engage its foreign partners, to include Mexico, as we establish our Single Window. Efforts to harmonize data elements are ongoing. |
| 324 | 13140 | 15 | 02/11/15 | GSC-Land | The COAC recommends that DHS/CBP work with Mexico to create a structured implementation strategy for actions proposed in the 21 st Century Border Action Plan with timelines and timely reporting against those goals to internal and external parties including the COAC. | PI | In Process | Status as of September 2015: Under the 21 st Century Border, CBP co-chairs the Secure Flows Sub-Committee and collaboratively works with USG and GOM counterparts to coordinate and monitor the implementation of an annual Action Plan. |

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| 325 | 13141 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP institutionalize the sharing of best practices from initiatives and pilots to facilitate trade and, where beneficial, implement at applicable US ports. | PI | In Process | Status as of September 2015: CBP and SAT jointly implement the Cargo Pre-Inspection pilots and will conduct an assessment after 180 days of operation to identify benefits and draw conclusions that might be shared as best practices. The progress of these pilots has been shared regularly with the Global Supply Chain Subcommittee. |
| 326 | 13142 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP determine and take steps to ensure consistent implementation of existing wait time data collection methodologies across all commercial ports of entry by the end of fiscal year 2015. This data shall be shared with COAC and the Trade. | PI | In Process | Status as of September 2015: Under the Secure Flows Sub-Committee, as part of the 21 st Century Border process, CBP has engaged with other USG and GOM partners to develop a way forward for border wait times. |
| 327 | 13143 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP assess the feasibility of replacing current methodologies with automation by the end of fiscal year 2015. Options shall be discussed with the COAC. | PI | In Process | |
| 328 | 13144 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP document its staff allocation process and rationale and share appropriate details with COAC. | -- | Fully Implemented | Status as of September 2015: CBP briefed the COAC on the CBP workload staffing model. The COAC will be periodically updated on the model and continue to be updated on business transformation and |
| 329 | 13145 | 15 | 02/11/15 | GSC-Land | COAC recommends that CBP develop outcome-oriented performance measures with respect to wait time improvements. | -- | Under Consideration | |
| 330 | 13146 | 15 | 02/11/15 | GSC-Land | COAC recommends CBP develop FAST vs. Non-FAST lane metrics for CBP, Carriers and Importers to query through ACE. Metrics shall include FAST lane usage by Importer, Carrier and Port. The intent is to better substantiate FAST lane advantages and enable best use of FAST lane capabilities by all stakeholders. | PI | In Process | |

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| 13th Term (2013 – 2015) Trade Modernization Subcommittee | | | | | | | | |
| 186 | 13002 | 13 | 05/22/13 | TM-ACE | ACE - Given that the Trade community has been asked to make significant financial commitments and investments in the development of the automation of new international trade systems and process changes necessary to adapt to ACE deployment, COAC recommends that CBP continue to move expeditiously, according to a very well-defined schedule and timeline as previously provided to COAC, to finish development and deliver full ACE functionality with full PGA integration within 3 years. Further, that the progress and achievements of these development efforts should be reported to COAC at least every quarter. | PI | In Progress | Status as of September 2015: CBP agrees to continue to communicate with COAC on a quarterly basis. |
| 194 | 13010 | 13 | 08/07/13 | TM-ROTB | There is a recommendation that there be a continuing education component to the customs broker license of a minimum of 40 hours of continuing education over a 36-month reporting period. The COAC recommends that a minimum of 32 hours of the continuing education be accredited, and that a maximum of 8 hours of education may come from non-accredited sources. It is recommended that CBP take a measured, commercially reasonable approach to the 40-hours continuing education requirement for customs brokers that are wishing to reactivate a license that is inactive. | -- | Under consideration/ Not Implemented | Status as of September 2015: CBP understands the value of continuing education and has been advised that CE authority is not provided for in statute. |
| 195 | 13011 | 13 | 08/07/13 | TM-ROTB | The second recommendation is that the reporting of the continuing education should be tied into the triennial reporting of the licensed customs broker. The consolidated reporting will remove a separate reporting requirement, and the timing will make compliance easier for brokers. It is further recommended that the reporting of the license holder and the continuing education be done together in ACE. This will eliminate some of the challenge that CBP has with the current reporting program and make compliance easier for the broker as well. | -- | Under consideration/ Not Implemented | Status as of September 2015: Pursuant to comments of 194 above this does not apply. However, CBP supports CE as an Association tool to create a tied structure within the broker community. "Certification" could be utilized to distinguish broker competence on the cbp.gov public broker webpage. |

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| 196 | 13012 | 13 | 08/07/13 | TM-ACE | <p>Automated Commercial Environment Working Group Recommendation:</p> <p>It is critical for CBP to continue the ongoing dialogue and provide timely information to the trade community in order to ensure a successful transition from ACS to ACE. COAC recommends that CBP announce definitive transition dates for this conversion and that the determination of these dates provide for a period of 18 months from the release of the technical application documentation.</p> | PI | In Process | <p>Status as of September 2015:</p> <p>ACE Deployment Schedule updates are circulated by ABO and communicated to the trade through various means. In addition, ABO will provide draft Implementation guides as early as possible in advance of the dates for mandatory filing of cargo release and full ACE functionality</p> |
| 207 | 13023 | 14 | 11/15/13 | TM-ROTB | <p>Modify 19 CFR section 111.36 (c) to require that brokers obtain a power of attorney directly from the importer. Nothing should prevent the broker from communicating directly with the importer.</p> | PI | In-Process | <p>Status as of September 2015:</p> <p>CBP drafted changes to the existing regulations to reflect this recommendation. (12/12/14) The draft regulatory package is still being discussed with stakeholders, but we expect to include language supporting the COAC recommendation</p> <p>The regulations currently provide that “No part of the agreement of compensation between the broker and the forwarder, nor any action taken pursuant to the agreement, forbids or prevents direct communication between the importer or other party in interest and the broker.” The draft NPRM includes an affirmative duty that the broker obtain the power of attorney (POA) directly from the importer.</p> |
| 208 | 13024 | 14 | 11/15/13 | TM-ROTB | <p>Recommend that CBP continue to pursue information collection to improve their admissibility determination via the proposed revisions to the CBP Form 5106. CBP should continue to consult with COAC to finalize 5106 information requirements and the collection process. This could be helpful to CBP in addressing risks associated with traditional challenges related to AD/CVD, IPR, and other enforcement issues.</p> | PI | In-Process | <p>Status as of September 2015:</p> <p>The second notice, FRN Vol. 80, No. 143, issued Monday, July 27, 2015 was a 30-Day notice & request for comments which expired Thursday, August 27, 2015. CBP is responding to comments and preparing for submission to OMB.</p> |

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| 209 | 13025 | 14 | 11/15/13 | TM-ROTB | Realizing that different brokers have different best practices for different business models, we recommend that CBP develop a program to recognize best practices within the broker industry and provide benefits to these brokers. These best practices may include power of attorney collection and validation. We expect that the specific benefits will be discussed during future COAC meetings. | PI | In Process | Status as of September 2015: CBP is refining our Best Practices document and considering how to best present it in virtual format on a Broker Web page. |
| 210 | 13026 | 14 | 11/15/13 | TM-ROTB | Given that the proposed changes to the CBP Form 5106 will address many of the concerns surrounding validation of bona fides, we recommend no changes be made at this time to the current regulations regarding the collection of a valid power of attorney. We will revisit this recommendation after the proposed 5106 changes have been reviewed by COAC. | -- | Under Consideration | Status as of September 2015: No changes are being made at this time to regulations regarding the collection of a valid power of attorney except as delineated in COAC recommendation 207. FRN request for public comment for a revised document was published 10/2014 with a 60 public comment period. Responses were published in a July 2015 FRN which opened a 30 day comment period. CBP is responding to comment and preparing for submission to OMB. |
| 230 | 13046 | 14 | 02/20/14 | TM-ACE | COAC recommends that CBP release the technical application documentation, including the final PG message set, at least 18 months prior to the mandatory filing dates for manifest, cargo release, and full ACE functionality. | FI | Fully Implemented | Status as of September 2015: ACE Deployment Schedule updates are circulated by ABO and communicated to the trade through various means. In addition, ABO will provide draft Implementation guides as early as possible in advance of the dates for mandatory filing of cargo release and full ACE functionality. |
| 241 | 13057 | 14 | 05/22/14 | TM-ROTB | COAC recommends that CBP enable brokers to operate through a single, national permit, eliminating the current district permitting requirement. COAC understands that CBP must modernize its permitting framework for Customs brokers to align broker permitting with the challenges and opportunities of 21 st century electronic entry processing through such programs such as Automated Commercial Environment (ACE), Remote Location Filing (RLF), the Centers of Excellence and Expertise (CEE) and eBonds. | PI | In-process | Status as of September 2015: CBP drafted changes to the existing regulations to reflect this recommendation. (12/12/14) The draft regulatory package has been discussed with stakeholders and we expect to include language aligned with this COAC recommendation. (9/11/15) |

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| 242 | 13058 | 14 | 05/22/14 | TM-ROTB | COAC recommends that CBP engage the COAC and all stakeholders as soon as possible to review the existing Customs broker management process, related informed compliance publications and broker handbooks to ensure a modern, national broker management process is developed and implemented prior to CBP moving forward with the proposed change in the broker national permitting framework. COAC recognizes that today's current broker management process does not support a new national permitting framework. | PI | In Process | Status as of September 2015: It is anticipated that CBP, COAC and stakeholders will discuss addressing timing and processes by which district permits are replaced by national permit upon publication of the final rule. |
| 243 | 13059 | 14 | 05/22/14 | TM-ROTB | COAC recommends that the new national permit framework include requirements that Customs brokerage firms employ an adequate number of licensed brokers to ensure responsible supervision and control over their Customs business and that CBP work with the appropriate stakeholder groups to define these new supervision and control requirements and provide the COAC an opportunity to comment on any new framework before implementation. COAC understands the value the Customs broker license brings to CBP and the importing community. | -- | Under Consideration/Not Implemented | Status as of September 2015: CBP evaluated the NCBFAA recommended 12-1 ratio in draft regulation rewrite effort. CBP does not believe it has the authority to dictate business model practice and recommends performance measures as opposed to command and control requirements. Producing regulation would lock CBP to a ratio that has no dependability. Executive Orders 12866 and 13563 establish a process of regulatory review, requiring an economic analysis of regulations. Agencies are advised to "specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt." |
| 244 | 13060 | 14 | 05/22/14 | TM-ROTB | The COAC recommends that CBP publish the Notice of Proposed Rulemaking regarding changes to CBPF 5106 by the end of 2014 fiscal year in order to solicit comments from stakeholders on the collection of the proposed 5106 data elements. The additional information will support CBP's effort to combat identify theft, antidumping duty evasion and other fraudulent schemes which undermine our global economy. | PI | Partially Implemented | Status as of September 2015: CBP has published two notices. (1) FRN Vol. 79, No. 196/Thursday, Oct. 9, 2014 published a 60-Day Notice & request for comments; revision of an existing collection of information addressed the CBP request to add data elements to the CF-5106 form and to rename the process "Create/Update Importer Identity Form. (2) FRN Vol. 80, No. 143/Monday, July 27, 2015 published a 30-Day Notice & request for comments expired, Thursday, August 27, 2015. CBP is responding to comments and preparing for submission to OMB. |

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| 245 | 13061 | 14 | 05/22/14 | TM-ROTB | The COAC recommends that consideration should be given to limiting additional information requirements from companies in good standing with an existing CBPF 5106 on file with CBP. | PI | Partially Implemented | <p>Status as of September 2015:</p> <p>Policy regarding parties who are required to complete the new form has not changed under 19 CFR 24.5. If you are an Importer of Record (IOR) who is currently in ACS/ACE, then you will be automatically grandfathered into the process, but you will still be responsible for filling out the CBP Form 5106, under the provisions of 19 CFR 24.5, for a change of name and/or a change of address. CBP is proposing that for a company currently recognized as an “active participant in good standing” in any of CBP’s Partnership Program(s) you must present the program code in sections 1J thru 1M of the revised CBP Form 5106 and the information that is contained in Section 3 will not be required. The most recent version of the proposed Form 5106 includes revisions that were made based on comments that were received on the 60-day FRN. This recommendation from COAC has been included in the most recent version of the proposed Form 5106 as outlined in instruction for sections 1J thru 1M of the form.</p> |
| 246 | 13062 | 14 | 05/22/14 | TM-ROTB | The COAC recommends the 5106 information collection process be automated in ACE, with consideration for the role of the party providing the information. The COAC recommends that both importers of record and customs brokers should be able to file and query CBPF5106 data. | PI | In Process | <p>Status as of September 2015:</p> <p>The revisions to the CBP Form 5106 will be automated in ACE. The regulation regarding the submission of the CBP Form 5106 has not changed; therefore the current regulation and any policy regarding the role of the party providing information and who may file and query the CBP Form 5106 will remain in effect, at this time.</p> |

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| 247 | 13063 | 14 | 05/22/14 | TM-ROTB | The COAC recommends no changes be made at this time to the current regulations regarding the collection of a valid power of attorney in 19 CFR 111. | PI | In Process | <p>Status as of September 2015:</p> <p>CBP has drafted language into 19 CFR 111.36 regarding relations with unlicensed persons - The broker must obtain a customs power of attorney directly from the importer of record or drawback claimant, and not via a third party, to transact customs business for that importer or drawback claimant. No part of the agreement of compensation between the broker and the forwarder, nor any action taken pursuant to the agreement, can forbid or prevent direct communication between the importer, drawback claimant, or other party in interest and the broker.</p> <p>No changes to Part 111 relating to a valid power of attorney (POA) are being considered outside of the affirmative requirement for a broker to obtain the POA directly from the IOR or drawback claimant in 111.36.</p> |
| 248 | 13064 | 14 | 05/22/14 | TM-ROTB | The COAC recommends that functionality in ACE be built to help prevent corporate identity theft. Proposed functionality should enable the Importer of Record (IOR) to control and limit which customs brokers or filers, by filer code, are authorized to make entry in each port of entry tied to the Importer of Record number. This could serve as an additional tool to combat corporate identity theft, should an IOR choose to utilize this functionality. Additionally this ability would empower the IOR to use ACE to control the specific ports of entry in which entry can be made, and by which custom broker filer codes. An importer could potentially employ functionality that would restrict any entry from being made in their name in a specific port of entry if necessary. The IOR could use this functionality to address changes in their supply chain as they occur, and authorize entry into those ports for a specific customs broker filer code, several specific filers' codes, or all filers. | -- | Under consideration/ Not Implemented | <p>Status as of September 2015:</p> <p>A requirement supporting this recommendation has been entered into ACE's GIF for system prioritization of the recommended enhancement.</p> |

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| 306 | 13122 | 15 | 02/11/15 | TM | COAC recommends that CBP create metrics, collect data, and review with COAC and other stakeholders by the end of the fiscal year 2015. Metrics should be reviewed with COAC and other stakeholders on a quarterly basis to determine if CEE objectives are being satisfied. | PI | In Process | Status as of September 2015: This issue will be addressed by the Trade Enforcement and Revenue Collection subcommittee as well as the Trade Modernization subcommittee of the 14 th Term COAC. |
| 307 | 13123 | 15 | 02/11/15 | TM | CBP continue to work with a broad section of the trade to explore a Simplified Entry Summary and Payment process that is beneficial to the trade and CBP. | PI | In Process | Status as of September 2015: OT has held 3 Simplified Process Working Group meetings. Members of these working groups included a broad section of the trade. |
| 308 | 13124 | 15 | 02/11/15 | TM | Participation in a Simplified Entry Summary and Payment program should be optional and that customs brokers and IOR's should be able to file CF7501's in the current, legacy process. | PI | In Process | Status as of September 2015: OT has held 3 Simplified Process Working Group meetings. Simplified Entry Summary details are still under consideration. |
| 309 | 13125 | 15 | 02/11/15 | TM | The development of a Simplified Entry Summary and Payment program should be postponed if it will negatively impact ACE core cargo processing deployment. | FI | Fully Implemented | Status as of September 2015: Fully Implemented. Simplified ES and Payment are on the ACE post-core backlog. |
| 310 | 13126 | 15 | 02/11/15 | TM | The following should be evaluated before proceeding with design and implantation of a Simplified Entry Summary and Payment program: a. Level of resources that would be required by importers and brokers to participate in the process. b. Additional layers of services that would be needed by Customs Brokers c. Level of benefit a Simplified Entry Summary and Payment program would provide to CBP and the Trade as compared to the cost. | PI | In Process | Status as of September 2015: CBP has not entered the design or implementation period |

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| 13th Term (2013-2015) Trade Efficiency Survey | | | | | | | | |
| 211 | 13027 | 14 | 11/15/13 | TES | NEW Recommendation 2013: The COAC recommends that CBP and PGAs partner with the trade community to target PGA requirements training and promote visibility of holds in ACE/ACS. We recognize and encourage the implementation of the One US Government at the Border Single Window approach, coupled with the PGA Message Set will provide greater visibility to the trade community as to the reasons for the holds. We encourage the Partner Government Agencies to become early adopters of PGA Message Set, allowing for early submission of information so the PGA may make earlier risk assessment decisions on admissibility of cargo. | PI | | Duplicate: Same as recommendation #13067. Status as of September 2015: CBP and the PGAs are currently developing multiple hold capability in ACE for the ACE/ITDS PGA pilots. These pilots will be leveraged to develop cross-agency functionality and coordination. |
| 212 | 13028 | 14 | 11/15/13 | TES | NEW Recommendation 2013: The COAC recommends working with CBP to define delays and holds and ensure a process exists for those types that require data capture. In addition, once delays and holds are defined in accordance with 2013 operations, COAC recommends that CBP develop national import/export port metrics as a method a) to understand the complexities associated with goods release by mode of transport and region and b) to achieve standardization of best operating practices across ports. Further, we recommend sharing the results with the Centers of Excellence and Expertise via the Industry Working Groups to achieve industry-specific best practices. | PI- - | In Progress | Status as of September 2015: Duplicate: Second sentence is the same as Recommendation # 13069. Duplicate: The last sentence is the same as Recommendation # 13070 |
| 213 | 13029 | 14 | 11/15/13 | TES | NEW Recommendation 2013: The COAC recommends that CBP share the survey information with the Partner Government Agencies (PGAs) to achieve a better understanding by the PGAs of the impact of cargo holds, detention and dwell times on the international supply chain. | FI | | Status as of September 2015: Duplicate: Same as Recommendation # 13073 except it has an additional last sentence (statement) added to it. |

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| 214 | 13030 | 14 | 11/15/13 | TES | NEW Recommendation 2013: The COAC recommends that CBP share the results of the AD/CVD questions with relevant government entities when discussing issues related to the retrospective system of AD/CVD enforcement and collection. The 12th COAC made a formal recommendation based on several reasons that the AD/CVD system be changed to a prospective system similar to those utilized by all global trading partners. The feedback in this survey indicates that the larger trade community strongly supports this earlier COAC recommendation and would favor a prospective system. As this subject is often a topic of discussion in various forums in which CBP participates, the COAC recommends that CBP communicate this feedback in the appropriate forums. | PI | | Duplicate: Same as Recommendation # 13074. |
| 251 | 13067 | 15 | 10/07/14 | TES | Visibility The COAC recommends that CBP and PGAs partner with the trade community to target PGA requirements training and promote visibility of holds in ACE/ACS. We recognize and encourage the implementation of the One US Government at the Border Single Window approach, coupled with the PGA Message Set will provide greater visibility to the trade community as to the reasons for the holds. We encourage the Partner Government Agencies to become early adopters of PGA Message Set, allowing for early submission of information so the PGA may make earlier risk assessment decisions on admissibility of cargo. | PI | | Duplicate: Same as recommendation #13027 Status as of September 2015: CBP and the PGAs are currently developing multiple hold capability in ACE for the ACE/ITDS PGA pilots. These pilots will be leveraged to develop cross-agency functionality and coordination. |
| 252 | 13068 | 15 | 10/07/14 | TES | The COAC recommends that CBP task COAC to define delays and holds and ensure a process exists for those types that require data capture. | PI | In Progress | |
| 253 | 13069 | 15 | 10/07/14 | TES | Once delays and holds are defined in accordance with 2013 operations, COAC recommends that CBP develop national import/export port metrics as a method a) to understand the complexities associated with goods release by mode of transport and region and b) to achieve standardization of best operating practices across ports. | UC | Under Consideration | Duplicate: Same as second sentence in Recommendation # 13028 |
| 254 | 13070 | 15 | 10/07/14 | TES | The COAC recommends sharing the results with the Centers of Excellence and Expertise via the Industry Working Groups to achieve industry-specific best practices. | PI | In Progress | Duplicate: Same as last sentence in Recommendation # 13028 |

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| 255 | 13071 | 15 | 10/07/14 | TES | With strategic efforts such as the implementation of CEE's, streamlining and integration of PGAs via trade processes, and the National Export Initiative and Export Control Reform, it is important for CBP to continue to collaborate with COAC to seek ways to measure and improve trade processes and reduce freight dwell. We recommend CBP provide the trade with web-based metrics regarding export and import delays and holds on a 1USG basis. | UC | Under Consideration | |
| 256 | 13072 | 15 | 10/07/14 | TES | We recommend the continuation of the Center Industry Working Group metric sharing to generate meaningful bi-directional dialogue that will generate successes in meeting the objectives of both CBP and the trade. | UC | Under Consideration | |
| 257 | 13073 | 15 | 10/07/14 | TES | Knowledge Sharing The COAC recommends that CBP share the survey information with the Partner Government Agencies (PGAs) to achieve a better understanding by the PGAs of the impact of cargo holds, detention and dwell times on the international supply chain. Establishing integrated policies serves to remove port variation, regulatory misunderstandings and trade inefficiency, a key contributor to cost. | FI | | Duplicate: Same as Recommendation # 13029, except the last sentence (statement) has been added to it. |
| 258 | 13074 | 15 | 10/07/14 | TES | The COAC recommends that CBP share the results of the 2013 AD/CVD questions with relevant government entities when discussing issues related to the retrospective system of AD/CVD enforcement and collection. The 12th COAC made a formal recommendation based on several reasons that the AD/CVD system be changed to a prospective system similar to those utilized by all global trading partners. The feedback in this survey indicates that the larger trade community strongly supports this earlier COAC recommendation and would favor a prospective system. As this subject is often a topic of discussion in various forums in which CBP participates, the COAC recommends that CBP communicate this feedback in the appropriate forums. | PI | | Duplicate: Same as Recommendation # 13030. |
| 259 | 13075 | 15 | 10/07/14 | TES | | | In Progress | |

| | | | | | | | | |
|-----|-------|----|----------|-----|---|----|---------------------|--|
| 260 | 13076 | 15 | 10/07/14 | TES | <p>Integrated Customer Service Model</p> <p>We recommend CBP advocate for an integrated customer service model with the PGA's. Synthesizing the current customer service design of CBP and PGAs will benefit both trade and security. Additionally, using the Centers to aid in the integration of a service model is most beneficial to impact processing times and freight dwell.</p> | UC | Under Consideration | |
| 261 | 13077 | 15 | 10/07/14 | TES | <p>Annual Trade Efficiency Survey</p> <p>We recommend the continuation of an annual COAC survey to assist in prioritization, measure success, obtain satisfaction feedback, and begin establishing trends.</p> | PI | In Progress | |

Legend

| 13 th Term Subcommittees | Recommendations By Term | 14 th Term Subcommittees | Recommendations By Term |
|--|-----------------------------------|--|----------------------------------|
| <i>Trade Modernization-Role of the Broker (TM-ROTB)</i> | | | |
| <i>Trade Modernization-Automated Commercial Environment (TM-ACE)</i> | | | |
| <i>Trade Modernization-Centers of Excellence and Expertise (TM-CEE)</i> | | | |
| Trade Modernization | Total TM = 22 | | |
| <i>Global Supply Chain Land (GSC-Land)</i> | | | |
| <i>Global Supply Chain Air (GSC-Air)</i> | | | |
| Global Supply Chain (GSC) | Total GSC = 32 | | |
| Trusted Trader (TT) | Total TT = 6 | | |
| <i>Trade Enforcement & Revenue Collection-Intellectual Property Rights (TERC-IPR)</i> | | | |
| <i>Trade Enforcement & Revenue Collection-Regulatory Audit Working Group (TERC-RAWG)</i> | | | |
| <i>Trade Enforcement & Revenue Collection-AD/CVD Working Group (TERC-AD/CVD)</i> | Total TERC = 21 | | |
| Export (EX) | Total EX = 25 | Export (EX) | Total Export = 4 |
| <i>Export Manifest Working Group (EX-EMWG)</i> | | | |
| One U.S. Government (1USG) | Total 1USG = 25 | One U.S. Government (1USG) | Total 1USG = 18 |
| <i>One U.S. Government-Food & Drug Administration Working Group (1USG-FDAWG)</i> | | One U.S. Government (1USG) Consumer Product Safety Commission Working Group (CPSC-WG) | |
| <i>One U.S. Government-Process & Messaging Working Group (1USG-PMWG)</i> | | | |
| <i>One U.S. Government-Import Mapping Working Group (1USG-IMWG)</i> | | | |
| Trade Efficiency Survey (TES) | Total TES = 15 | | |
| | 13th Term = 146 | | 14th Term = 22 |